

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

BOARD MEETING

DECEMBER 6, 1990

**JIMMY JENKINS
CHAIRMAN**

BATON ROUGE, LOUISIANA

AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LOUISIANA
DECEMBER 6, 1990

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MINUTES OF MEETING

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

DECEMBER 6, 1990

Chairman Jimmy Jenkins presiding:

Thursday, December 6, 1990

Houston Foret
Bert Jones
Norman McCall
Warren Pol
Jeff Schneider
Pete Vujnovich

Acting Secretary A. Kell McInnis III was also present.

Chairman Jenkins called the meeting to order and welcomed Mr. Jeff Schneider from Tangipahoa Parish. Mr. Schneider is the newest Commission member and took Dr. Don Hines place.

A motion was made by Mr. McCall for approval of the November 1-2, 1990, Minutes of the Commission meeting. The motion was seconded by Mr. Jones and passed unanimously.

At Thursday's meeting Mr. Tommy Prickett presented a Resolution and Ratification of Alligator Harvest Rule and Regulations for ratification. Mr. Prickett informed the Commission that a lengthy APA process has taken place. The comment period has elapsed and it was time for final ratification of the rule by the Commission. Once the rule is printed in the State Register it will be in effect permanently advised Mr. Prickett. A motion was made by Mr. McCall to adopt the resolution and rule and was seconded by Mr. Vujnovich. The motion passed unanimously.

(The full text of the resolution
is made a part of the record)

Resolution

Louisiana Department of Wildlife and Fisheries
Louisiana Wildlife and Fisheries Commission

THE FOLLOWING WAS ADOPTED BY THE LOUISIANA WILDLIFE AND FISHERIES
COMMISSION AT ITS REGULAR MEETING HELD IN BATON ROUGE, 6 DECEMBER
1990.

WHEREAS, The Louisiana Department of Wildlife and Fisheries in accordance with R.S. 56:260, 262, 262.1 and 262.2 has the authority to promulgate rules and regulations governing all aspects of the harvest of wild alligators, alligator eggs, raising and propagation of farmed alligators and the selling of hides, alligator parts and farm raised alligators, and

WHEREAS, the attached rule has been promulgated in accordance with all provisions of the Administrative Procedure Act including a Notice of Intent authorized by the Louisiana Wildlife and Fisheries Commission during its regular meeting July 5, 1990 and published in the State Register on August 20, 1990, now

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission hereby finally adopts regulations governing the harvest, sale, and propagation of alligators.

A. Kell McInnis III
Acting Secretary, LA
Dept. Wildlife & Fisheries

Jimmy Jenkins, Chairman
Wildlife and Fisheries
Commission

(The full text of the rule is
made a part of the record)

RULE
Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

TITLE 76
Wildlife and Fisheries

PART V. WILD QUADRUPEDS AND WILD BIRDS

Chapter 7. Alligators

#701. Alligator Regulations

The Department of Wildlife and Fisheries does hereby establish regulations governing the harvest of wild populations of alligators, alligator eggs, raising and propagation of farmed alligators and regulations governing the selling of hides, alligator parts and farm raised alligators.

A. Purpose.

These regulations are to govern the taking, possession, selling, raising and propagation of alligators statewide, both in the wild and in captivity. They are enacted to prevent depletion or waste, while enhancing utilization of this renewable resource. These regulations are based upon scientific study and population monitoring and are consistent with federal requirements to qualify alligators and alligator parts from Louisiana for international export under the Convention on International Trade in Endangered Species of wild fauna and flora. Alligators in Louisiana are not endangered but their similarity in appearance to endangered crocodilian species requires controls on commerce to minimize illegal trafficking of these species and to regulate and maintain the wild population of alligators. These regulations provide rules to enhance alligator farming operations; establish the methods of alligator harvest; establish minimum facility requirements for alligator farming; regulate commerce in alligators, eggs and parts; streamline necessary reporting requirements; and, establish a regulated nuisance alligator control program.

B. Definitions.

The following words and phrases for purposes of these regulations shall have the meaning ascribed to them in this section, unless the context wherein the particular word or phrase is used clearly indicates a different meaning:

1. Alligator - American alligator (Alligator mississippiensis).
2. Alligator Egg Collection Permit - A permit issued by the Department allowing for the collection of alligator eggs on designated properties described as part of the permit. The permit will be signed by the Secretary or his designee, the permittee and the landowner/land manager.
3. Alligator Farm - An enclosed area, constructed so as to prevent the ingress and egress of alligators from surrounding public or private lands or waters and meeting other specifications and requirements set by the Department, where alligators are bred, propagated, or raised as a commercial enterprise under controlled conditions.
4. Alligator Farmer - A properly licensed person who raises alligators under controlled conditions which prohibit free movement of the animals onto and off of the farm or controlled area, and who may harvest alligators under the supervision of the Department. An alligator farmer must possess a valid nongame quadruped breeder's license.
5. Alligator Hunter - A properly licensed resident or nonresident person who takes wild alligators.

6. Alligator Part - Any part of the carcass of an alligator, except hides tagged pursuant to all applicable laws and regulations including the laws and regulations of the United States Government, the State of Louisiana and the Louisiana Wildlife and Fisheries Commission.

7. Alligator Parts Dealer - Any properly licensed person who deals in alligator parts and who:

(a) Buys from an alligator hunter, another parts dealer, or an alligator farmer for the purpose of resale; or

(b) Manufactures within the state alligator parts into a finished product; or

(c) Purchases, cans, processes, or distributes alligator meat for wholesale or retail.

8. Alligator Parts Retailer - Any properly licensed person selling canned alligator parts or purchasing alligator parts from an alligator parts dealer, and each restaurant selling prepared alligator meat for human consumption.

9. Alligator Parts Tag - An official tag issued by the Department that is attached to all unprocessed alligator parts upon transfer by an alligator hunter, an alligator parts dealer, or alligator farmer.

10. Alligator Shipping Label - A serially numbered label issued by the Department required on each container of alligators or alligator eggs being shipped or transported out of the state.

11. Bona Fide Resident (1) - Any person who has resided in the state of Louisiana continuously during the twelve months immediately prior to the date on which he applies for any license and who has manifested his intent to remain in this state by establishing Louisiana as his legal domicile, as demonstrated with all of the following, as applicable:

(a) If registered to vote, he is registered to vote in Louisiana.

(b) If licensed to drive a motor vehicle, he is in possession of a Louisiana driver's license.

(c) If owning a motor vehicle located within Louisiana, he is in possession of a Louisiana registration for that vehicle.

(d) If earning an income, he has filed a Louisiana state income tax return and has complied with state income tax laws and regulations.

(2) As to a corporation or other legal entity, a resident shall be any which is incorporated or otherwise organized under and subject to the laws of Louisiana, and as to which the principal place of business and more than fifty percent of the officers, partners, or employees are domiciled in Louisiana.

12. Closed Season - That period of time of a calendar year not specifically included in the open season.

13. Commission - The Louisiana Wildlife and Fisheries Commission.

14. Common Carrier - Any agency or person transporting passengers or property of any description for hire.

15. Confiscation - The exercise of a right under the police power wherein property is seized and held pending court order if the seized material is nonperishable, or disposed of without judicial intervention if perishable.

16. Consumer - Restaurants and other places where alligator, fish, shrimp, or other aquatic life is prepared for human consumption; or any person using alligator, fish, shrimp, or other aquatic life for bait or personal consumption.

17. Department - The Louisiana Department of Wildlife and Fisheries.

18. Designated Collection Agent - Anyone who is permitted by the Department to assist an alligator egg collection permittee during alligator egg collection.

19. Fur Buyer - Anyone who buys raw furs or skins from fur trappers, alligator hunters, fur buyers, or fur dealers and who sells to another fur buyer or fur dealer within the confines of the state or to a nonresident fur dealer licensed by the State of Louisiana in interstate commerce, or who acts as an agent of another fur buyer or fur dealer in this state in such purchase or sale. Fur buyers are divided into two classes, resident and nonresident. Resident fur buyers are those who are bona fide residents of this state. All others are nonresident fur buyers.

20. Fur Dealer - Anyone who deals in raw furs and skins and who:

(a) Buys from a fur trapper, alligator hunter, or alligator farmer, either directly or indirectly, and ships or exports from this state, either directly or indirectly, the raw furs and skins so bought; or

(b) Buys from a fur buyer or other fur dealer and exports from this state the raw furs and skins so bought; or

(c) Buys from a fur trapper, alligator hunter, alligator farmer, fur buyer, or other dealer and sells such raw furs and skins for manufacturing into a finished product in this state; or

(d) Manufactures such furs and skins into a finished product in this state, buying directly from a fur trapper, alligator hunter, alligator farmer, fur buyer, or fur dealer; or

(e) Transports raw furs or skins into this state for the purpose of sale within the state. Fur dealers are divided into two classes, resident and nonresident. Resident fur dealers are those who are bona fide residents of this state. All others are nonresident fur dealers.

21. Hatchling - A young of the year alligator which is less than twenty three (23) inches in length.

22. Hide - (See "Pelt").

23. Hook - Any curved or bent device attached to a line or pole for the purpose of taking alligators.

24. Hunt - In different tenses, attempting to take.

25. Incubator - An apparatus designed and used for the primary purpose of incubating alligator eggs.

26. Land Manager - Any authorized person who represents the landowner.

27. Landowner - Any person who owns land which the Department has designated as alligator habitat.

28. Licensee - Any resident or nonresident lawful holder of an effective license duly issued under the authority of the Department.

29. Nongame Quadruped - Alligators, beavers, bobcats, coyotes, gray foxes, minks, muskrats, nutrias, opossums, otters, raccoons, red foxes, skunks, and other wild quadrupeds valuable for their furs or skins.

30. Nongame Quadruped Breeder - A person properly licensed to engage in the business of raising, exhibiting and selling nongame quadrupeds on alligator or fur farms.

31. Nongame Quadruped Exhibitor - A person properly licensed to engage in the business of raising and/or exhibiting nongame quadrupeds.

32. Nonresident - Any person who is not a bona fide resident as that term is defined by R.S. 56:8(12).

33. Nuisance Alligator - A specific (particular) alligator that poses a threat to human life or property.

34. Nuisance Alligator Hunter - A licensed alligator hunter who is contracted or otherwise selected by the Department to remove designated nuisance alligators.

35. Open Season - That period of time set by the Louisiana Wildlife and Fisheries Commission, during which wild alligators or their eggs may be lawfully taken.

36. Out Of State Shipping Tag - An official, serially numbered tag, yellow in color, issued by the Department required on each shipment of alligator hides shipped out of state.

37. Part - For purposes of this section, a part is a division of a subsection.

38. Pelt - The skin or hide of a quadruped.

39. Pelting - Removing the skin and/or fur of a quadruped in such a manner as to render it marketable.

40. Person - Includes any individual person, association, corporation, partnership, or other legal entity recognized by law.

41. Pole Hunting - The act of taking an alligator from a den with a pole or snagging device of any type and includes using such devices to induce an alligator to move from a den prior to taking.

42. Possess - In its different tenses, the act of having in possession or control, keeping, detaining, restraining, or holding as owner, or as agent, bailee, or custodian for another.

43. Processed Alligator Part - Any part (and its resulting products) that has been removed from a legally taken alligator, treated to prevent decomposition, and packaged;

provided that the meat is not processed until packaged and marked with required labeling as described in Subsection L of these regulations.

44. Propagation - The holding of live alligators for production of offspring.

45. Raising - The production of alligators under controlled environmental conditions or in outside facilities.

46. Rearing - (See "Raising").

47. Resident - (See "Bona Fide Resident").

48. Secretary - The secretary of the Louisiana Department of Wildlife and Fisheries.

49. Skin - (See "Pelt").

50. Take - In its different tenses, the attempt or act of hooking, pursuing, netting, capturing, snaring, trapping, shooting, hunting, wounding, or killing by any means or device.

51. Transport - In its different tenses, the act of shipping, attempting to ship, receiving or delivering for shipment, transporting, conveying, carrying, or exporting by air, land, or water, or by any means whatsoever.

52. Wildlife - All species of wild vertebrates.

53. Wildlife Management Area - Any area set aside, maintained, and supervised by the Department for the purpose of managing and harvesting wild birds, wild quadrupeds, fish and other aquatic life under controlled conditions to afford maximum public hunting and fishing opportunity.

54. Wildlife Refuge - Any area set aside and designated by the Department as a refuge on which wild birds and animals are protected. Control of certain forms of wildlife may be conducted by the Department.

C. General Rules.

1. No person shall take, possess, purchase or sell alligators, alligator eggs, alligators parts, or goods manufactured from alligators, except as provided in these regulations and LA. R.S. Title 56.

2. Each alligator, alligator egg, or alligator part taken or possessed in violation of these regulations shall constitute a separate offense.

3. Hides of alligators harvested in Louisiana shall be tagged in accordance with provisions of these regulations and deviation from those requirements shall be a violation and subject hides to confiscation. Violation of this part is a class 7A violation as described in Title 56.

4. Pole Hunting is prohibited. Violation of this part is a class 2 violation as described in Title 56.

5. An alligator hunter must possess on his or her person one or more current alligator hide tags while taking alligators provided that only one licensed hunter needs to possess current hide tags among a group of licensed hunters who are physically present in the same location and are conducting a joint hunting operation. Violation of this part is a class 2 violation as described in Title 56.

6. No person shall release any alligator from any taking device for any purpose without first dispatching and tagging the alligator. Violation of this part is a class 2 violation as described in Title 56.

7. Collection of alligator hatchlings from the wild is strictly prohibited. Taking or collection of any wild alligator illegally is strictly prohibited. Violation of this part is shall constitute a Class 7A violation for each alligator taken as described in Title 56. All alligators taken in violation of this part shall be confiscated and in addition to all other penalties provided herein, all alligator licenses of any type held by the offender(s) shall be revoked for a period of three (3) calendar years and no alligators shall be raised or propagated on the offender's facilities for a period of three (3) calendar years.

8. The shipment of alligator eggs out of state is prohibited except where special scientific permits have been obtained in advance from the Department and specify all such shipments. Violation of this part is a class 2 violation as described in Title 56.

9. Transportation of alligator(s) into this state without prior written approval of the Department is strictly prohibited. Violation of this part is a class 7A violation as described in Title 56.

10. It is unlawful to ship alligator eggs into the State of Louisiana unless they are to be used for Department sponsored scientific studies and these shipments shall have prior written Department approval. Violation of this part is a class 7A violation as described in Title 56.

11. The shipment of live alligators or alligator eggs out of the United States is strictly prohibited unless they are used for Department sponsored scientific studies with an accompanying authorization signed by the Secretary. Violation of this part is a class 7A violation as described in Title 56.

12. There is levied a severance tax of twenty-five cents on all skins or hides taken from any alligator, within the state, payable to the state through the Department by the alligator hunter or alligator farmer taking his own catch out of state, or by the dealer. Violation of this part is a class 2 violation as described in Title 56.

D. Licenses, Permits and Fees.

1. The licenses and fees required for activities authorized by these regulations are as prescribed under provisions of Title 56, or as prescribed in these regulations, and are:

- (a) \$25 for a resident alligator hunter's license;
- (b) \$150 for a nonresident alligator hunter's license;
- (c) \$25 for a resident fur buyer's license;
- (d) \$100 for a nonresident fur buyer's license;
- (e) \$150 for a resident fur dealer's license (\$500 deposit required);
- (f) \$300 for a nonresident fur dealer's license (\$1,000 deposit required);
- (g) \$10 for a nongame quadruped exhibitor's license;
- (h) \$25 for a nongame quadruped breeder's license;
- (i) \$50 for a alligator parts dealer license;
- (j) \$5 for a alligator parts retailer license;
- (k) \$4 for each alligator hide tag;
- (l) \$4 for each whole alligator leaving the state as alligator shipping label fee;
- (m) \$0.25 severance tax for each alligator hide taken from within the state;
- (n) \$25 for a Designated Agent Collection Permit.

2. No person may take, attempt to take, or possess a wild alligator in this state during the open season for taking wild alligators unless he or she has acquired and possesses an alligator hunter's license. An alligator hunter must have in possession a valid alligator hunter license to take or sell alligators, their skins, or parts. Violation of this part is a class 2 violation as described in Title 56.

3. No resident or nonresident fur buyer shall ship furs, alligators, alligator skins, alligator eggs, or alligator parts out of state. Violation of this part is a class 2 violation as described in Title 56.

4. Every resident fur dealer, alligator hunter, alligator parts dealer, alligator farmer, nonresident fur dealer, or

nonresident alligator hunter shall not ship or take raw alligator skins, alligators, or alligator parts out of state without first complying with provision of these regulations. Violation of this part is a class 2 violation as described in Title 56.

5. No person may engage in the business of raising and/or exhibiting alligators unless he or she has acquired and possesses a valid nongame quadruped exhibitor license. Violation of this part is a class 3 violation as described in title 56.

6. No person may engage in the business of raising, breeding, propagating, exhibiting and selling alligators alive or selling their parts, and killing and transporting them and selling their skins and carcasses unless he or she has acquired and possesses a valid nongame quadruped breeder license and complies with Subsections N and O of these regulations. Violation of this part is a class 3 violation as described in Title 56.

7. No person shall engage in the business of buying and selling alligator parts unless he or she has acquired and possesses a valid alligator parts dealer license. Violation of this part is a class 2 violation as described in Title 56.

8. Each retailer selling canned alligator parts or purchasing alligator parts, and each restaurant selling prepared alligator meat for human consumption shall secure from the department an alligator parts retailer license prior to commencing business. Violation of this part is a class 2 violation as described in Title 56.

9. No person shall remove and possess alligator eggs from wild nests unless he or she has acquired and possesses a valid nongame game quadruped breeder license or a valid Designated Collection Agent Permit and also has in his possession a valid alligator egg collection permit. Egg collection permits will only be issued to those persons who demonstrate competency in egg collection and handling, have necessary equipment accessible and comply with all Department requirements as described in Subsection N of these regulations. Violation of this part is a class 7A violation as described in Title 56.

10. No person shall ship or transport alligators out of the state without first applying for and receiving an alligator shipping label which shall be affixed to each container of alligators and is properly completed and validated by Department personnel. Violation of this part is a class 2 violation as described in Title 56.

11. Every alligator hunter or alligator farmer shipping or transporting his own catch of alligator skins out of state is liable for the severance tax thereon, and shall apply for an official out of state shipping tag to be attached to the shipment and shall pay the severance tax prior to shipment. Violation of this part is a class 2 violation as described in Title 56.

12. Valid holders of alligator hunter license, nongame quadruped breeder license, fur dealers license and alligator parts dealer license must comply with federal licensing and permit requirements to engage in interstate and international commerce involving alligators, alligator hides and parts. Violation of this part is a class 2 violation as described in Title 56.

E. Wild Harvest Methods.

1. Alligators taken from the wild may be removed from hook and line, and other legal capture devices which may be used, only during daylight hours, between official sunrise and official sunset. Violation of this part is a class 7A violation as described in Title 56.

2. There are no size restrictions on wild alligators taken during the general open season. A Department issued permit is required to sell alligators or their skins which are less than four (4) feet in length. Violation of this part is a class 7A violation as described in Title 56.

3. Legal methods for taking alligators in the wild are as follows:

- (a) Hook and line;
- (b) Long (including compound) bow and barbed arrow; and
- (c) Firearms.

Violation of this part is a class 7A violation as described in Title 56.

4. Hooks and arrows may be used only when a line of at least 300-pound test is securely attached to the hook or head of the arrow in such a manner to prevent separation from the hook or head until the carcass is retrieved. The other end of the line must be attached to a stationary or floating object capable of maintaining the line above water when an alligator is attached. Violation of this part is a class 7A violation as described in Title 56.

5. Alligator hunters shall inspect their hooks and lines and remove captured alligators daily. Alligators shall not be cut loose from hooks and lines for the purpose of selecting larger alligators. All hooks and lines shall be removed when

an alligator hunter's quota is reached. Violation of this part is a class 7A violation as described in Title 56.

6. Baited hooks and lines may be set no more than 24 hours prior to the general open season and shall be removed no later than sunset of the last day of the open season. Violation of this part is a class 7A violation as described in Title 56.

7. No person possessing alligator hide tags issued for privately-owned land or water may take alligators on adjacent publicly-owned water unless the taking device is anchored to privately-owned land or the person is on privately-owned land when the taking occurs, provided that any alligator captured on a legal taking device that is anchored to privately-owned land or held by a person on privately-owned land may be dispatched from a floating craft on public water. Violation of this part is a class 7A violation as described in Title 56.

8. A person possessing alligator hide tags for publicly-owned areas may take alligators by legal means from a floating craft on public water for which the tags are issued.

F. Alligator Hide Tag Procurement and Tagging Requirements.

1. Alligator hide tags may be obtained as follows and only to properly licensed alligator hunters and nongame quadruped breeders:

2. Landowners, Land Managers and Hunters - upon application to the Department on forms provided for tag issuance. Applications for alligator tag allotments will be taken annually beginning August 1 and ending 10 days after the season opens.

(a) Maximum tag issuance to individual landowners, land managers, or their hunters shall be determined solely by the Department. Landowners, land managers, or their hunters shall certify total acreage owned or represented on a form prescribed by the Department at the time of application. The location and acreage of the property must be provided which includes parish, township, range and section delineation figures.

(b) Land managers and hunters must present a notarized document from the landowner verifying their selection to represent that landowner and the total acreage represented to obtain hide tags.

(c) Payment for all alligator tags shall be received by the Department prior to issuance. Numbered alligator hide tags shall only be issued in the name of the license holder and are nontransferable. A refund will be issued

for all unused alligator tags which are returned within the required time frame designated in these regulations.

Violation of parts 1 and 2 of this Subsection are class 2 violations as described in Title 56.

3. Alligator farmers - upon request to the Department at any time at least two weeks prior to scheduled harvesting, subject to verification of available stock by Department personnel. Violation of this part is a class 2 violation as described in Title 56.

4. If an alligator hunter is cited for hunting alligators out of season, at night, or on property other than that for which hide tags were issued, all unused hide tags and alligators in possession shall be confiscated and the violator's alligator hunting license shall be revoked. Violation of this part is a class 7A violation as described in Title 56.

5. Special instructions will be issued to the holders of alligator hunting licenses immediately prior to the annual open season describing detailed methods regarding the skinning of alligators. Alligator farmers shall adhere to the annual skinning requirements when skinning farm raised alligators. Alligators not skinned in compliance with the established specific requirements shall be considered illegal and shall be confiscated by the Department.

6. It shall be a violation for any alligator hunter, alligator farmer, fur buyer, or fur dealer who knowingly attempts to sell an alligator hide that was not skinned in accordance with the established specific requirements. Violation of this part is a class 7A violation as described in Title 56.

7. A hide tag shall be attached in the last six (6) inches of an alligator's tail immediately upon possession by an alligator hunter. The tag shall be attached in accordance with instructions issued by the Department. Alligator farmers may wait until farm raised alligators are skinned prior to tagging. Live or dead farm raised alligators may be transported with their accompanying tags from a licensed alligator farm to a licensed processing facility, however each shipment shall be accompanied with the exact number of alligator hide tags. Violation of this part is a class 7A violation as described in Title 56.

G. Open Season, Open Areas, and Bag Limits.

1. Open seasons are as follows:

(a) The general open season for taking alligators in the wild may be established annually by the Commission at

their regular July meeting. The Secretary shall be authorized to close, extend or reopen the season as biologically justifiable.

(b) Nuisance control hunters may take nuisance alligators at any time as prescribed by the Department.

(c) Farm raised alligators may be taken at any time following the issuance of hide tags by the Department.

(d) The open season for collection of alligator eggs from the wild shall be from May 15 through September 15 of each calendar year.

Violation of this part is a class 7A violation as described in Title 56.

2. The open areas are as follows:

(a) For the general open season, those areas designated by the technical staff of the Department as alligator habitat and which can sustain an alligator harvest.

(b) The Department may select public lakes and lands for an experimental alligator hunting program. The harvest will be controlled by a tag allotment for each lake as determined by Department personnel. Applicants for public lake hunting must be 16 years of age or older. Applications must be received at least 10 days prior to the season opening date. A public drawing will be held to select hunters. An alligator hunter can receive tags for and hunt on only one public lake per season. The tag quota for each lake and hunter will be established by the technical staff of the Department. Alligator tags issued on public lakes and lands are nontransferable.

(c) Wild alligators in the remainder of the state may be taken only under provisions as prescribed by the Department.

Violation of this part is a class 7A violation as described in Title 56.

3. The daily and season bag limit is equal to the number of valid alligator hide tags that a licensed alligator hunter possesses. Violation of this part is a class 7A violation as described in Title 56.

4. Non resident alligator hunters may only take three (3) alligator during the open season. Violation of this part is a class 4 violation as described in Title 56.

5. Harvest rates will be calculated annually by Department personnel based on biological data. Alligator hide tag allotments will be established prior to issuance of alligator hunting licenses.

H. Possession.

1. No person shall possess alligators or alligator hides in Louisiana without valid official tags properly attached. Failure to properly tag an alligator or hide shall result in confiscation of both the alligator or hide and tag. Violation of this part is a class 7A violation as described in Title 56.

2. Alligator farmers may request hide tags or shipping labels from the Department to be used on farm-raised alligators that have died unexpectedly and may hold those alligators in freezers until receipt of the requested hide tags or shipping labels. These alligators may be held in freezers for a maximum of 60 days prior to disposal. All alligators 24 inches and greater in length that die unexpectedly must be properly skinned and tagged with an alligator hide tag. Violation of this part is a class 7A violation as described in Title 56.

3. No person other than a licensed alligator hunter, licensed alligator farmer, licensed fur buyer or licensed fur dealer may possess a tagged or labeled alligator, a tagged raw or salted hide of an alligator at any time, provided that legally documented tagged or labeled alligators or tagged hides may be possessed without license while in transit, or during processing for tanning or taxidermy. Violation of this part is a class 7A violation as described in Title 56.

4. No person other than a licensed alligator farmer or licensed non game quadruped exhibitor may possess live alligators at any time other than by a permit issued by the Department upon request for use in displays and educational purposes, and by holders of valid Department issued permits for scientific purposes. Live, farm raised alligators and their alligator hide tags may be held for processing by a properly licensed alligator skinning facility without a license or permit. Violation of this part is a class 7A violation as described in Title 56.

5. No person other than a licensed alligator farmer or licensed non game quadruped exhibitor may possess alligator eggs at any time other than Department permitted Designated Collection Agents assisting a licensed and permitted alligator farmer during wild egg collection, or a holder of a valid Department issued permit for scientific purposes. Any alligators hatched from scientific permits issued by the Department will be returned to the wild under Departmental

supervision following completion of the research project. Violation of this part is a class 7A violation as described in Title 56.

I. Importation, Exportation, Purchase, and Sale.

1. Alligators, alligator hides (raw or salted), or parts of alligators, may be brought into the state only if the alligators, alligator hides or parts of alligators were lawfully taken in another state or country and the person, firm or corporation bringing the alligators, alligator hides (raw or salted), or alligator parts into the state has obtained written permission from the Department. Violation of this part is a class 7A violation as described in Title 56.

2. All alligators, alligator hides (raw or salted), or parts of alligators possessed, sold, purchased, exported, imported, or brought into the state from another state shall be accompanied by documented evidence that they were lawfully taken. Documented evidence shall consist of, but not be limited to:

(a) A resource user license or permit number allowing the taking of alligators and tags or other identification required by the state or country of origin shall be firmly attached to the alligator, alligator hide, or parts of alligators; and

(b) A tag or label is affixed to the outside of any package or container of alligators, alligator hides, or alligator parts that specifies type of contents, indicates quantity contained, and lists applicable license or permit numbers.

Violation of this part is a class 7A violation as described in Title 56.

3. Purchases of alligators, alligator hides and alligator parts are restricted as follows:

(a) A licensed alligator hunter may not purchase alligators or alligator hides from anyone.

(b) A licensed fur buyer may purchase alligator hides from an Louisiana licensed alligator hunter, licensed alligator farmer, licensed fur dealer, or another fur buyer within the confines of the state.

(c) A licensed fur dealer may purchase alligator hides from a licensed alligator hunter, licensed alligator farmer, fur buyer or another fur dealer.

(d) A licensed alligator farmer may purchase live alligators only from another licensed alligator farmer or the Department.

(e) An alligator farmer may purchase alligator eggs only from another alligator farmer, a landowner/land manager (with an approved Department alligator egg collection permit), or the Department.

(f) A licensed alligator parts dealer may purchase alligator parts from an licensed alligator hunter, alligator farmer, another alligator parts dealer, or the Department.

(g) A licensed parts retailer may purchase canned alligator parts or alligator parts from an alligator parts dealer.

(h) A restaurant may purchase alligator meat to sell prepared for human consumption with a alligator parts retailer license.

Violation of this part is a class 2 violation as described in Title 56.

4. Sales of alligators and alligator parts are restricted as follows:

(a) A licensed alligator hunter may sell alligators, alligator hides, or alligator parts taken by the licensee during the general open season to anyone who may legally purchase.

(b) A licensed alligator farmer may sell alligators, alligator eggs, alligator hides, or alligator parts to anyone who may legally purchase. The sale of alligator eggs or live alligators shall only occur following the issuance of an Alligator Transfer Authorization Permit issued by the Department. Application for the permit shall be made at least 2 weeks prior to the transfer.

(c) A licensed fur buyer may sell alligator hides to a fur dealer or another fur buyer within the confines of the state.

(d) A licensed fur dealer may sell alligator hides to anyone who may legally purchase.

(e) A licensed alligator parts dealer may sell alligator parts to anyone.

(f) A licensed alligator parts retailer may sell canned alligator parts, processed alligator parts, or alligator meat to anyone.

(g) A restaurant possessing an alligator parts retailer license may sell alligator meat prepared for human consumption to anyone.

Violation of this part is a class 3 violation as described in Title 56.

5. Legally tagged and documented alligators, alligator hides, and parts of alligators taken in Louisiana may be shipped out of state or exported by alligator hunters, alligator farmers, fur dealers and alligator parts dealers subject to Subsection K of these regulations (relating to Report Requirements) provided that no live alligators or eggs originating in Louisiana may be exported outside of the United States without specific Department authorization and the concurrence of the United States Fish and Wildlife Service, to be used only for scientific purposes. Violation of this part is a class 3 violation as described in Title 56.

6. A special permit is required of anyone who sells alligator eggs, live alligators under four (4) feet in length, or skins of alligators under four (4) feet in length. Violation of this part is a class 7A violation as described in Title 56.

J. Nuisance Alligator Control.

1. Nuisance alligator hunters will be selected by the Department and may be based upon recommendations received from the local governing body. Applicants with prior alligator hunting violations will be rejected.

2. Nuisance alligator hunters shall purchase a valid alligator hunter license and are bound by all laws, rules and regulations governing alligator hunting with the exception that nuisance alligators may be taken at anytime. Violation of this part is a class 2 violation as described in Title 56.

3. Nuisance alligator complaints will be verified by Department personnel prior to being approved for removal. Violation of this part is a class 2 violation as described in Title 56.

4. Tags will be issued to nuisance alligator hunters for immediate attachment to alligators when taken. Nuisance alligator hunters will make every attempt possible to catch nuisance alligators and relocate to natural habitat selected by the Department. It is unlawful for any nuisance alligator captured alive to be sold or otherwise disposed of on an

alligator farm. Alligators and alligator parts taken and tagged under these provisions may be retained and sold by the nuisance alligator hunter as any other legally taken wild alligator or alligator part. Violation of this part is a class 7A violation as described in Title 56.

5. Nuisance alligator hunters may take alligators by any means prescribed by the Department. Failure to comply with Departmental instructions may result in immediate termination of the individual's participation in the nuisance alligator program. Violation of this part is a class 2 violation as described in Title 56.

K. Report Requirements.

1. Report forms provided by the Department must be completed and filed with the Department by all persons who have been issued an alligator hunter's license, fur buyer's license, fur dealer's license, nongame quadruped exhibitor's license, nongame quadruped breeder's license, alligator parts dealer's license, or alligator egg collection permit in accordance with this Subsection. Reports shall include but not be limited to the information specified in this Subsection.

2. Alligator hunters receiving hide tags from the Department are responsible for disposition of all issued tags and must:

(a) Complete an official alligator parts transaction form furnished by the Department for each alligator part transaction. These forms shall be submitted to the Department within 30 days following the close of the season and thereafter at 60-day intervals until all parts are sold.

(b) Complete an official lost tag form, furnished by the Department for any hide tags lost or stolen. These forms shall be submitted to the Department within 15 days following the close of the season. Lost or stolen tags will not be replaced.

(c) All unused tags must be returned to the Department within 15 days following the close of the season. Violation of this requirement shall result in no license or alligator tags being issued to the violator for a period of one year.

(d) The Department must be notified within 15 days following the close of the season, of any alligator hides not sold to a fur buyer or fur dealer on official forms provided by the Department.

(e) Each licensed alligator hunter selling alligator parts to a person or a restaurant shall provide that person with a bill of sale for each transaction.

(f) All records of transactions involving alligator parts of alligator hunters shall be available for inspection by the Department.

Violation of this part is a class 2 violation as described in Title 56.

3. A nuisance alligator hunter shall comply with the same report requirements as an alligator hunter and complete any other reports required by the Department. Violation of this requirement shall result in immediate termination of nuisance alligator hunter status. Violation of this part is a class 2 violation as described in Title 56.

4. Alligator farmers receiving hide tags from the Department are responsible for disposition of all issued tags and must:

(a) Complete an official alligator parts transaction form, furnished by the Department for each alligator part transaction. These forms shall be submitted to the Department within 30 days following the last day of the year that issued tags are valid and thereafter at 60-day intervals until all parts are sold. Violation of this part is a class 2 violation as described in Title 56.

(b) Complete an official lost tag form, furnished by the Department for any hide tags lost or stolen. These forms shall be submitted to the Department within 15 days following the last day of the year that issued tags are valid. Lost or stolen tags will not be replaced. Violation of this part is a class 2 violation as described in Title 56.

(c) All unused hide tags must be returned to the Department within 15 days following the last day of the year that issued tags are valid. Violation of this requirement shall result in the revocation of the nongame quadruped breeder's license. Violation of this part is a class 2 violation as described in Title 56.

(d) The Department must be notified within 15 days following the last day of the year that issued tags are valid of any alligator hide not sold to a fur buyer or fur dealer on official forms provided by the Department. Violation of this part is a class 2 violation as described in Title 56.

(e) Each alligator farmer shall report annually, no later than December 31, on an official form provided by the Department, all activities that have occurred on the farm for the past year including but not limited to the number of live alligators as of that date, separated by sizes, the number of eggs collected and hatched, the purchase and sale of alligators for the past year and the numbers of alligators lost. Failure to complete this form properly and completely will result in non renewal of the nongame quadruped breeder's license. Violation of this part is a class 3 violation as described in Title 56.

(f) Each licensed alligator farmer selling alligator parts to a person or a restaurant shall furnish that person with a bill of sale for each transaction. Violation of this part is a class 2 violation.

5. Fur buyers and fur dealers engaged in the business of buying and selling alligator hides must keep within the state a complete record on forms provided by the Department, all purchases and sales made of alligator hides as described in Title 56, and;

(a) Every buyer or dealer having undressed alligator hides in his possession after the close of each open season shall file with the Department within 60 days or prior to shipping out of state, a complete report, on forms provided by the Department, a detailed description of alligator hides then owned or held in possession as owner or agent.

Violation of this part is a class 3 violation as described in Title 56.

6. Fur dealers engaged in the business of buying and selling alligator hides must maintain complete records of alligator hides purchased inside and outside the state as described in Title 56. Failure to maintain complete records and to pay the required severance tax subjects any dealer to the full penalties provided and the immediate revocation of his license by the Department. No license shall be issued to a dealer who has not paid the tax for the preceding year. Violation of this part is a class 2 violation as described in Title 56.

7. Alligator parts dealers purchasing alligator parts, shall complete an official alligator parts purchase form for each purchase. Alligator parts dealers selling alligator parts, shall complete an official alligator parts sale form for each sale. These forms shall be furnished by the Department and shall be submitted to the Department within 30 days following the close of the open season and at 60-day intervals until

final disposition of all wild parts. These forms shall be submitted annually for all farm raised alligator parts, and;

(a) Alligator parts dealers shall furnish a bill of sale to anyone purchasing alligator parts.

(b) The records of transactions involving alligator parts shall be available for inspection by the Department and shall be maintained complete for a period of one year following any transaction.

Violation of this part is a class 2 violation as described in Title 56.

8. Any alligator parts retailer or restaurant purchasing alligator parts shall maintain a bill of sale for each purchase for a period of six months after such purchase and these records shall be available for inspection by the Department. Violation of this part is a class 2 violation as described in Title 56.

L. Alligator Meat.

1. Alligator meat from lawfully taken alligators can only be sold according to state and federal laws, Louisiana Department of Health and Hospitals regulations and Louisiana Wildlife and Fisheries Commission regulations. Violation of this part is a class 2 violation as described in Title 56.

2. Alligator meat processed in the State of Louisiana and sold for human consumption must be processed in a licensed facility approved by the Louisiana Department of Health and Hospitals and the facility must display a valid permit issued by that agency. Violation of this part is a class 2 violation as described in Title 56.

3. Alligator carcasses being shipped whole shall be tagged with an alligator parts tag properly identifying the carcasses and shall remain on the carcasses until the processing makes identification impossible. Violation of this part is a class 3 violation as described in Title 56.

4. Alligator hunters and alligator farmers involved in alligator parts transactions with individual consumers shall properly tag all alligator parts and the parts tag shall remain attached until final disposition. Violation of this part is a class 3 violation as described in Title 56.

5. All alligator meat processed for sale must be packaged in suitable containers which identifies the contents as alligator meat, is marked with a valid Department license number and

comply with all state and federal packaging and labeling requirements. Violation of this part is a class 3 violation as described in Title 56.

6. All alligator meat shipped into the state and being offered for sale must meet all of Louisiana's health, processing, packaging and labeling requirements. Violation of this part is a class 3 violation as described in Title 56.

M. Disposal of Alligators by the Department.

1. The Department may sell alligators, alligator eggs or parts of alligators taken for any purpose deemed necessary for proper management of the species pursuant to Title 56.

2. The Department may dispose of alligators, alligator eggs, or parts of alligators by donation or lending to a scientific institution or other institutions that the Department deems have need for such alligators, however these institutions cannot sell or barter these animals and must be returned to the Department at the conclusion of the program or need.

3. Confiscated alligator hides and parts may be destroyed by the Department pending the outcome of the criminal trial.

4. Confiscated live alligator eggs or alligators will be cared for by the Department and released in suitable alligator habitat when and where they can survive. All costs incurred by the Department in the maintenance of these eggs and animals in captivity shall be the responsibility of the offender and restitution shall be made to the Department.

N. Alligator Egg Collection.

1. Alligator egg collection permits are a three party permit between the Department, the permittee and a landowner/manager who owns or leases alligator nesting habitat determined by Department biologists to be capable of producing alligator eggs. The numbers of eggs to be collected will be based upon biological management criteria and will be determined annually by technical staff of the Department. The Department only estimates the numbers of eggs available and assumes no responsibility or offers no guarantee that those numbers of eggs will be available. Alligator egg collection permits may be obtained upon application to the Department on forms provided by the Department. The annual deadline for submitting applications for Alligator Egg Collection Permits is June 1. This program is experimental and may be changed at any time based on biological data to insure for proper management of the wild alligator population.

2. Alligator egg collection permits may be issued by the Department provided:

(a) Permittee is a properly licensed alligator farmer and meets all applicable requirements in Subsection O of these regulations (Alligator Farm Facility Requirements).

(b) All land documentation required on the alligator egg collection permit has been presented to the Department.

(c) Department biologists determine the properties described on the permit application are indeed alligator nesting habitat and can sustain alligator egg collections.

(d) Applicant has obtained all legal and necessary signatures from landowners/land managers.

Violation of this part is a class 7A violation as described in Title 56.

3. It is unlawful for an alligator farmer or a permitted Designated Collection Agent to collect eggs from properties other than those described in the alligator egg collection permit. Violation of this part is a class 7A violation as described in Title 56.

4. An alligator farmer or designated collection agent in the act of collecting or possessing alligator eggs must possess on his or her person a copy of the fully executed alligator egg collection permit. The designated collection agent must also possess a valid designated collection agent permit. Violation of this part is a class 7A violation as described in Title 56.

5. Collection of wild alligator eggs can only be made after contacting the appropriate Department Enforcement Agent no less than 24 hours prior to each collection trip. Violation of this part is a class 7A violation as described in Title 56.

6. Alligator eggs can only be collected from the wild from official sunrise to official sunset and only during the established alligator egg collection season. Violation of this part is a class 7A violation as described in Title 56.

7. Alligator eggs collected from the wild must be collected and transported in a manner which insures the greatest survival of viable eggs as determined by Department biologists. Violation of this part is a class 7A violation as described in Title 56.

8. Each clutch of alligator eggs collected should be maintained as a separate entity from time of collection through incubation and hatching.

9. Failure to hatch at least 70% of viable alligator eggs collected from the wild shall be considered a waste of Louisiana's natural resources. All alligator egg collection permits shall be revoked and no new permits issued should an alligator farmer be found to waste the resources of this state for two consecutive years.

10. Alligator egg collection permits shall be revoked and no new permits issued to alligator farmers who fail to average a minimum hatchling survival rate of 85% for two consecutive years.

11. The alligator egg collection permittee and the landowner are responsible for returning the percentage of live alligators to the wild described on the alligator egg collection permit. This requirement is nontransferable. Minimum return rates will be based upon the state average hatching success which is 78%. Each alligator shall be returned to the original egg collection area. Each alligator shall be a minimum of 48" in size and the returned sex ratio should contain at least 50% females. The Department shall be responsible for supervising the required return of these alligators. Releases back to the wild will only occur between April 15 and September 15 of each calendar year. Should an alligator egg collection permittee be unable to release the required number of alligators to the wild from his own stock, he shall be required to purchase additional alligators from another farmer to meet compliance with the alligator egg collection permit and these regulations, as supervised by the Department. Department sanctioned participants in ongoing studies involving survivability and return rates are exempt from these requirements during the period of the study. Violation of this part is a class 7A violation as described in Title 56.

12. The percentage of 48" alligators to be returned to the wild shall be selected from the healthiest of all alligators of that year class. Abnormal or deformed alligators are not acceptable for release into the wild. It is unlawful for alligators that are to be returned to the wild to be transported out of state. Violation of this part is a class 7A violation as described in Title 56.

O. Alligator Farm Facility Requirements.

1. All first time applicants for a nongame quadruped breeder's or exhibitor's license who will house alligators on their premises shall show compliance of the following minimum

facilities as applicable to their particular operation during a required facility examination by Department personnel prior to license issuance:

(a) Secured premises with adequate barriers to prevent escape of enclosed alligators and entry by alligators from outside the farm and to deter theft of alligators.

(b) Source of clean, fresh water which shall be adequate to ensure for proper care of all alligator stock and facilities. This requirement shall be determined by Department personnel.

(c) Provisions for both dry area and pooled water within the secured area adequate for the numbers of alligators to be housed on the premises. This requirement will be determined by Department personnel.

(d) Provision for winter protection, either through adequate denning space or an enclosed, controlled-temperature environment of a design acceptable to the Department.

(e) All controlled-temperature alligator sheds shall be of a design acceptable to the Department. Each shed shall be capable of maintaining a minimum constant temperature of 80 degrees fahrenheit. Minimum space requirements for alligators housed in the shed shall be:

(i) One square foot of space shall be required for each alligator less than 24" in length.

(ii) Three square feet of space shall be required for each alligator measuring 25" to 48" in length.

(iii) One additional square foot of space shall be required for each additional 6 inches of alligator length for alligators above four feet in length.

(f) All alligator egg incubators shall be of a design acceptable to the Department. Each incubator shall maintain a water and air temperature of 85 to 91 degrees fahrenheit during the egg incubation.

(g) Applicant must be in compliance with all laws and regulations pertaining to zoning, construction, health and environmental standards and must possess any and all applicable permits and licenses.

(h) All alligator facilities should be constructed in an suitable location so as to minimize contact with people.

2. Following initial issuance of applicable license, all applicable facility requirements shall be adhered to and Department personnel have the authority to inspect any and all of the facilities at any time. Failure to adhere to the requirements shall be a violation of these rules and violators will be given 60 days to correct the problem. Failure to comply shall result in confiscation of all animals and/or closure of all facilities. Violation of this part is a class 7A violation as described in Title 56.

3. All alligator farmers possessing alligator eggs outside an alligator nest should house these eggs in identifiable original clutch groups in an incubator providing constant temperature and humidity conditions. All incubators used to incubate alligator eggs shall be of a design to allow for maximum temperature control and conform to Department requirements to allow for the maximum hatching success. Violation of this part is a class 7A violation as described in Title 56.

4. All alligator farmers possessing alligator hatchlings shall house hatchlings in controlled environmental chambers capable of maintaining a minimum temperature of 80 degrees fahrenheit year round and containing dry and wet areas of sufficient surface area to permit all alligators to completely submerge in water and completely exit from water and orient in any direction, without touching the sides of the chambers. All alligators 48" or less in length shall be housed in environmental chambers unless a special permit is issued by the Department to move them to outside growth areas. Violation of this part is a class 7A violation as described in Title 56.

5. Alligator farmers shall house alligators of different lengths into at least three groups, providing separation for all alligators less than two feet in length, two to four feet in length, and over four feet in length. Land and water areas sufficient for complete submersion or complete exit from water shall be provided for each group of alligators held. Violation of this part is a class 7A violation as described in Title 56.

6. Nesting activity of captive alligators shall be recorded with weekly accounts of nests constructed, eggs collected, number of viable eggs set and hatching success. Violation of this part is a class 3 violation as described in Title 56.

7. Complete written records shall be maintained by the license holder and shall be submitted to the Department on a standardized annual report form provided by the Department, which shall be provided as part of the annual license renewal. These reports must be submitted no later than December 31 of

each year. Violation of this part is a class 3 violation as described in Title 56.

8. All facilities, alligator stock, and records are subject to examination by Department personnel prior to permitting and thereafter during farm operation. Violation of this part is a class 7A violation as described in Title 56.

9. It shall be unlawful for alligator eggs or alligators to be moved from a licensed premises without approval of the Department. Violation of this part is a class 7A violation as described in Title 56.

P. Exceptions.

1. These regulations do not require licenses, labels, or permits for consumers who purchase or possess goods processed or manufactured from alligators which have been legally taken or raised, provided that such goods are used by the consumer and are not sold or bartered in conjunction with a wholesale or retail business activity.

2. The Department or an authorized representative of the Department may take by any means and possess alligators or parts of alligators while in the performance of official duties.

3. These regulations shall not prohibit a person from killing an alligator in immediate defense of his or her life or the lives of others. Alligators killed under this provision must be reported to the Department within 24 hours. Violation of this part is a class 2 violation as described in Title 56.

4. These regulations do not require a state license or permit of persons who deal in finished alligator leather products.

Q. Penalty for Violation.

1. In order to facilitate greater control over alligator trafficking, the Louisiana Department of Wildlife and Fisheries finds that public welfare imperatively requires emergency action when the provisions of these regulations are violated.

2. If citations are issued for a violation of these regulations, all licenses and tags belonging to or in the possession of the cited party shall be suspended until such time as the said party appears before Department officials for purposes of reviewing the citations issued. The Secretary, after reviewing the proceedings may reinstate or revoke the suspension. The alleged violator may lose all

rights and privileges to participate in this program if found guilty by criminal or civil process.

3. The Department shall have the authority to confiscate any alligators or alligator eggs from any person or facility that is not caring for the alligators or alligator eggs in a humane manner. Inhumane treatment of alligators or alligator eggs consists but is not limited to conditions which could have an adverse effect upon the alligators or alligator eggs such as sanitary conditions, temperature control, feeding, or overcrowding. The confiscated alligators and alligator eggs shall be disposed of as the Department deems necessary. Inhumane treatment of alligators or alligator eggs is a class 7A violation as described in Title 56.

4. In addition to all penalties set forth herein, violators may be subject to criminal prosecution under provisions of the Louisiana Revised Statutes, particularly Titles 14 and 56 and under Federal law.

5. In addition to all other penalties provided by these rules and by statute, violation of any part of these regulations may result in the suspension and/or revocation of any or all alligator licenses held by the violator and, as further penalty, for serious, repeat, or multiple violations, the Department shall have the right to deny a violator any and all licenses relating to alligators for a period not to exceed three (3) years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:260, 262, 262.1 and 262.2.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 16: (December, 1990).

Jimmy Jenkins
Chairman

At Thursday's meeting Mr. Tommy Prickett presented a Non-substantive change in the Fox/Coyote Pens Rule for informational purposes. Mr. Prickett explained that he would like to make a non-substantive change to the fox/coyote trapping regulations. An emergency rule has been set in place and the regulations are in effect. These regulations prohibit the import of foxes and coyotes from outside of Louisiana for running pens. One of the provisions of this rule is to allow resident trappers to live catch foxes and coyotes to provide for the needs of the running pens for the sport of coyote and fox hunting. A regulation in the rule indicates that to obtain the special permit to live catch the animals a trapper has to have purchased a trapping license for at least the past two consecutive years. Because the fur market has been bad many of the

experienced trappers in the state have not purchased a license for either one or both of the last two years. The department is recommending to the Commission that this be changed to reflect that just two previous years of trapping experience is all that would be required to get the permit. Mr. Prickett advised that the attorneys for the department have informed him this is a non-substantive change and the Commission will not have any formal action on the change. When the final rule is printed the change will be made. Chairman Jenkins asked if they needed a formal resolution. Mr. Prickett advised that the attorneys have told them they do not and that this is for informational purposes so that the Commissioners would be aware of the change. The department has received a lot of calls from the trappers about this and the way the rule is written these people do not qualify commented Mr. Prickett. One of the primary concerns of the implementation of this proposed rule was to make sure that the needs of the running pens could be supplied and if this cannot be done the rule will not work. There be no Commission action needed on this item Chairman Jenkins called for the next item on the agenda.

Mr. Bob Dennie addressed the Commission and advised that Mr. Paul Jackson, Aquatic Education Coordinator, would be presenting the Free Recreational Fishing Day notice. Mr. Paul Jackson, at Thursday's meeting, presented a Resolution and Notices of Intent on Free Recreational Fishing Days (Freshwater and Saltwater). Mr. Jackson informed the Commission that each year they have been coming to the Commission for ratification of these rules that would enable people to fish on a designated weekend in June as free fishing day. The department would like to have this rule set in place as a permanent rule to where the free fishing days would be the weekend of the first full week in June which is National Fishing Week. This would eliminate the department having to come to the Commission every year with an emergency declaration. Mr. Vujnovich made a motion that this be adopted. The motion was seconded by Mr. Foret and passed unanimously.

(The full text of the resolution is
made a part of the record)

RESOLUTION
DEPARTMENT OF WILDLIFE AND FISHERIES
WILDLIFE AND FISHERIES COMMISSION

WHEREAS, Sportfishing provides recreation for more than sixty million Americans of all ages, giving families a healthy, shared outdoor activity, and

WHEREAS, Sportfishing, through the payment of millions of dollars annually for licenses, taxes and fees, has provided the funding for federal and state programs that contribute

significantly to the preservation and protection of our natural environment, and

WHEREAS, The estimated 800,000 plus sportfishermen in Louisiana contribute in excess of one billion dollars annually to our economy, and

WHEREAS, Act 301 of the 1987 Louisiana Legislature authorizes the Louisiana Wildlife and Fisheries Commission to declare no more than two free recreational fishing days each year, and

WHEREAS, Free Fishing Days during National Fishing Week would provide an excellent opportunity to introduce additional individuals to the wholesome outdoor activity of fishing.

NOW THEREFORE BE IT RESOLVED, That we the undersigned members of the Louisiana Wildlife and Fisheries Commission do hereby officially adopt this resolution and attached notices of intent for freshwater and saltwater fishery declaring the weekend of the first full week of June each year as Free Recreational Fishing Days in the State of Louisiana,

BE IT FURTHER RESOLVED, That during these two days residents and non-residents may exercise the privileges of a licensed recreational fisherman without purchase of the any otherwise necessary recreational fishing license.

BE IT FURTHER RESOLVED, That the Louisiana Wildlife and Fisheries Commission does hereby authorize and delegate to the Secretary of the Department of Wildlife and Fisheries, the authority to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to the filing of the Fiscal and Economical Impact Statements, the filing of the Notice of Intent and preparation of reports and correspondence to other agencies of government.

Jimmy Jenkins, Chairman
Warren I. Pol
Norman F. McCall

Bert Jones
Pete Vujnovich
Houston Foret

A. Kell McInnis III
Acting Secretary

Jimmy Jenkins
Chairman

A. Kell McInnis III
Acting Secretary

December 6, 1990

(The full text of the notice of
intent is made a part of the record)

NOTICE OF INTENT

DEPARTMENT OF WILDLIFE AND FISHERIES
WILDLIFE AND FISHERIES COMMISSION

TITLE 76
Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sport and Commercial Fishing

Section. 151. Free Recreational Fishing Days

In accordance with Act 301 of the 1987 Louisiana Legislature, it is the intent of the Wildlife and Fisheries Commission to declare the weekend of the first full week of June each year as Free Recreational Fishing Days in Louisiana to coincide with National Fishing Week each year. On the two above mentioned free fishing days, residents and non-residents may exercise the privilege of a licensed recreational fisherman without purchase of any otherwise necessary recreational fishing license.

Interested parties may submit their views in writing to Bob Dennie, Information and Education Administrator, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:302.
HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 17: (,1991).

Jimmy Jenkins
Chairman

DEPARTMENT OF WILDLIFE AND FISHERIES
WILDLIFE AND FISHERIES COMMISSION

TITLE 76
Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

Section. 339. Free Recreational Fishing Days

In accordance with Act 301 of the 1987 Louisiana Legislature, it is the intent of the Wildlife and Fisheries Commission to declare the weekend of the first full week of June each year as Free Recreational Fishing Days in Louisiana to coincide with National Fishing Week each year. On the two above mentioned free fishing days, residents and non-residents may exercise the privilege of a licensed recreational fisherman without purchase of any otherwise necessary recreational fishing license.

Interested parties may submit their views in writing to Bob Dennie, Information and Education Administrator, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

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Jimmy Jenkins
Chairman

Mr. Bob Dennie, Division Chief of I&E, advised that Mr. Wade Byrd has asked, and Mr. Dennie concurs, that he presents this report. The television show falls under the Information and Education Division advised Mr. Dennie. A presentation on the Louisiana Conservationist T.V. Magazine was presented by Mr. Wade Byrd at Thursday's meeting. Mr. Byrd reported that the department appreciates the Commission's interest and input in the television show. At Mr. Jenkins' request a report was formulated on the initial two seasons of the television show and mailed to the Commissioners. This report gives what has been done so far and what is scheduled in the future for this season. For the first two years the only indication that the department has had of their audience is the Nielsen ratings that are run statewide in the fall and spring. The show runs on the LPB network statewide. LPB in the fall buys just the Baton Rouge market and in the spring they buy the whole state. In both the spring and fall the Louisiana

Conservationist T.V. Magazine was the top rated program. This was top rated prime time and top rated overall with a market share of six which is very good for LPB advised Mr. Byrd. The highest LPB has ever had was a ten which was on a special they had done with a lot of publicity. At the end of this year the department's game plan was to look at the whole arrangement they have with LPB and decide whether or not to continue it or move to something else stated Mr. Byrd. At this time during the meeting copies of a letter from Ms. Beth Courtney, Executive Director of LPB concerning the ratings of the program were passed out. Mr. Byrd advised that in each of the Commissioner's report there was a breakdown on the expenditures for the program and the I&E Division. One of the things that the department wants to attempt is to generate an audience for the show and then use the show in some sort of method to get across some controversial or heated subjects that the department is involved in. This will start this year with two live statewide call-in shows. A subject will be discussed live that the department is involved in and the people will have an opportunity to call in and ask questions. The two subjects that the department will work with this year is the Black Bass Management Plan which is scheduled for Thursday January 10, 1991, statewide and the attempt to resolve the conflict between the dog hunters and still hunters. The proposal that is developed by the advisory group and the Commission on this issue will be presented to the people so that they may have an opportunity to respond and ask questions. The second show is tentatively scheduled for March 21, 1991.

Chairman Jenkins asked Mr. Byrd if the whole program is dedicated to the subject matter. Mr. Byrd answered yes and explained that in the Black Bass Management Plan program there will be a very short opening in which they will talk a little bit about what black bass means to Louisiana as far as revenues and then either Dr. Clark or Dr. Kelso from LSU will give a presentation of exactly what the plan is attempting to do, reasons for it, why it is being done, what the results will be and then the telephone calls will be taken. Chairman Jenkins asked Mr. Byrd if he had ever attending any of the meetings where the dog hunting issue has come up. Mr. Byrd answered yes. Mr. Jenkins stated that he thinks the television program will be a surprise. Mr. Byrd stated that hopefully by that time the whole process that the department is involved in, in resolving this issue, will be far enough along that the group will have come up with some sort of a proposal, some public hearings would have information out in the media. Mr. Byrd pointed out that if this issue is every going to be put to rest it needs to have as much exposure as it can. Mr. Jones stated that he has some concerns about whether or not the public will perceive a call in argument show as being good for outdoors. Mr. Byrd advised that it is not a call in argument show. Mr. Jones commented that he is afraid that it very well could be and asked if he was correct in the scenario that there will be an opening format then there will be a call in for discussion of the two issues. Mr. Byrd answered no and the people will not actually be

talking live over the broadcast. They will call in their questions which will be screened and the most common questions will be given to the people that are live on the show. Mr. Jones reiterated that he has concerns of an open format and how it would be perceived with the other sixty percent of the people that are undecided about the outdoors. This is such a negative concept that Mr. Jones is not sure that what happens can be controlled and see that it can become a problem if you get the wrong vein coming through the program. A continuous positive impact is needed through television and this seems like it could have a negative impact stated Mr. Jones. Mr. Jones advised that he has been to a couple of public hearings and does not see how the format or the questions or the answers could change that much.

Mr. Byrd asked if the Commissioners had any other questions. Chairman Jenkins stated that he wanted Mr. Byrd to make a report because he thinks the television influence today is very meaningful and thinks the department has done a good job with the program. It is important that the subject matter of these programs be discussed before they are aired to make sure that all the people concerned are in agreement that the right thing is being done. The dog issue is going to be controversy on how it ought to be done, whether it ought to be done, etc. commented Chairman Jenkins.

Mr. Jones asked if copies of the shows could be secured legally? Is the department selling past show copies? Are they available? Mr. Byrd answered that they are not being sold but are available. The shows have been designed in such a way that the individual segments can be used by teachers. At the end of the season all the segments are condensed, put on a tape and indexed. These are used in the educational program so that the teachers can use them in their classes. These are also available from the library of the department. At this time during the meeting Mr. Byrd introduced Mr. Guy LeBranche and Mr. Karel Bauer who were instrumental in putting this program together.

Mr. Jones stated that he was trying to figure out the exact cost of the program on a per show basis. A significant amount of income is being spent and the Commission and department need to make sure that appropriate benefits are being received which they probably are commented Mr. Jones. Mr. Byrd advised that this is shown on page five of the report. Mr. Jenkins stated \$162,975. Mr. Byrd answered that is correct and this was all direct cost for the television show. Mr. Jones asked if this was about \$13,000 a show? Mr. Byrd stated yes and divided by sixteen that is being produced this year, so it is about \$12,000 to \$14,000. The department is running fifty to sixty percent of what the average price for video production is and it is felt that a good job is being done as far as keeping the cost down commented Mr. Byrd. Mr. Jones stated that to finish his question about a personal library where could he secure copies of the show properly. Mr. Byrd stated that he would take care of this personally. Mr. Vujnovich asked if it would be

illegal to put a price on this. Mr. Byrd answered that he did not know if it would be illegal but thinks it could be done. Mr. Vujnovich stated that he has had many phone calls about the show and even the commercial people are pleased. Mr. Byrd advised that one of the things the department wants to look into next year is commercial television stations and syndicate the show. It is felt that a lot larger audience would be drawn on commercial television. Mr. Vujnovich stated that the reason he had asked the question is because in his family he has school teachers who like to show programs and these programs would be real nice to show the children. These children are the future of our nation and we have to start educating them from very young if they are going to survive advised Mr. Vujnovich. Mr. Byrd commented that he agrees with Mr. Vujnovich and the show was designed with teachers in mind. If Mr. Vujnovich would give Mr. Byrd the names of the teachers he will make sure that they receive copies of the show when they are condensed for use in the classroom. Chairman Jenkins asked if anyone in the audience would like to ask Mr. Byrd any questions about the television program. There being none Chairman Jenkins went on to the next item on the agenda.

Dr. Jerry Clark, at Thursday's meeting, presented the Jewfish Rule for ratification. Dr. Clark advised that the Commissioners had a copy of the rule in their packets. The rule has gone through the notice of intent and passed the Oversight Committee unanimously. The only comment that Dr. Clark remembers hearing was "that if you don't allow a harvest by someone then you can't get any data and if the fishery was closed it is apparently being closed because the resource is in trouble but if you can't get any more data how can you tell if it is getting better, etc." Dr. Clark stated that he personally does not think that a recreational or commercial harvest is the best way to get data on anything and this is his response to the comment. The purpose of the rule is that the federal government through the Gulf of Mexico Fishery Management Council has determined that this fishery is in great trouble and has closed it in federal waters. Jewfish are not prevalent in state waters but if the state does not do a closure then there is a loophole that somebody can say that they caught it in state waters. The closure is for three years and the department will be back addressing this at the end of the three year time period advised Dr. Clark. Dr. Clark read the proposed rule. Chairman Jenkins called for a motion. A motion was made by Mr. McCall for adoption of the rule. The motion was seconded by Mr. Pol and passed unanimously.

(The full text of the rule is
made a part of the record)

RULE

Department of Wildlife and Fisheries

Wildlife and Fisheries Commission

Title 76
Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

Section 337. Taking and Possession of Jewfish Prohibited

The Louisiana Wildlife and Fisheries Commission hereby prohibits the taking and possession of jewfish (Epinephelus itajara) from within or without Louisiana waters for the three period November 1, 1990 to October 31, 1993.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:22.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 16: (December, 1990).

The Marine Finfish Report/Budget was presented by Dr. Jerry Clark at Thursday's meeting. Dr. Clark reported that a relatively brief report on the Marine Finfish Section was mailed to each of the Commissioners. The report contained information on how the section was created and its activities since its creation, budgets for the last three fiscal years and a projected budget for next year, information about the activities with respect to the number of samples taken and the kinds of samples that are taken within that Finfish Section in each of the years. Dr. Clark asked if the Commissioners had any questions about the report.

Chairman Jenkins advised that his reason for having Dr. Clark update the Commission on the section is that since the freeze last winter there have been a lot of questions asked and there has been criticism on the apparent lack of data and information about saltwater fishers and what goes on. The question that keeps coming up is what are we doing with the monies that are collected specifically to enhance the saltwater fin fisheries stated Chairman Jenkins and asked Dr. Clark to give the history of what has been done, what is being done and what is intended specifically with the funds for the people attending the meeting and others that may be interested.

Dr. Clark reported that there was an act passed in the spring of 1984 that created a Saltwater Recreational Fishing license and also at the same time dedicated those funds and other funds from the commercial licenses to a Finfish Section. By the summer of 1985 enough money had accumulated in those accounts that the department began hiring people. Originally the plan was, given some projections on how much funds there would be, for thirty to thirty

three people in the section statewide to do the duties of the finfish section. Until the 1987-88 fiscal year the number of people in the section never got above twenty. At this point in time the layoff occurred and the Finfish Section was accumulating revenues. About six of the people who were part of the agency were moved into that section and this is where you get the twenty six people in the field staff in 1988-89. The principle activities of this section has been the monitoring of gill net, trammel net, and bag seine samples. However, they have also participated in the commercial landings program, the TIP program which is the federally funded program for at the dock measurements of lengths and weights of commercially landed fish to see how many pounds of each species are landed, what the sex is, age, and characterize the landings by species. The section most recently has been working on the Marine Finfish Fishery Management Plans that the department is in the process of doing. The red drum and spotted seatrout plans will be due at the end of this calendar year. A black drum plan has been completed and the department is also working on a mullet plan. The section has also been involved in some of the activities with respect to the Gulf Council (snapper being the most recent). Even though they have been involved in a lot of activities their principle activity has been and will continue to be the collection of routine standardized fishery independent data.

Chairman Jenkins asked if Dr. Clark knew the amount of money that has been collected the last two or three years from the saltwater licenses. Dr. Clark advised yes and no. They have been unable to get the most recent year but on page 3 of the report is the Marine Finfish budget. Dr. Clark has talked to Ms. Baker and her staff and the best estimate for 1989-90 is that it is not not going to be significantly different from what they were in 1988-89. Mr. Jenkins stated that in 1987-88 a million one hundred and thirty three thousand dollars was collected and in 1988-89 a million two hundred thousand five hundred sixty eight dollars was collected and asked Dr. Clark if he thought something like this would be collected this year. Dr. Clark answered yes.

Mr. Jones asked that since the department has started receiving these revenues what has been done differently? Mr. Jones stated that he keeps hearing that we are comparing it to the same seine and net sampling for the last twenty years. Dr. Clark answered that this was not true at all. Prior to fiscal 1985-86 or 1986-87 there was no routine monitoring statewide, year to year, using this gear. There were special projects of a one time nature, but prior to the establishment of this section there was never routine, ongoing monitoring of marine finfish at all pointed out Dr. Clark. This is all new activity. Dr. Clark stated that for thirty years there have been shrimp trawls and for thirty years or more there has been routine monitoring of the oyster industry but only on an ad hoc or a one year basis, which were years apart, was anything ever done for marine fin fish by the agency.

Chairman Jenkins asked Dr. Clark if he wanted to talk about the future. Dr. Clark stated that the department is in the midst of constructing the proposed budget for next year and for at least the last two years the Office of Fisheries has proposed to add staff to the Marine Finfish Section to do a creel survey. Last year during the budgeting process the office made the proposal but the proposal never left the building and was not part of the budget documents that were sent to the Division of Administration. This year the office has done the same thing and in fact has done even more. These budgets have been prepared and the Office of Fisheries is proposing to add sixteen positions directly to the Marine Finfish Section whose principle activity would be a marine creel survey. It would be an ongoing, statewide boat ramp survey like the kind they have in Texas. Also being proposed is seven new positions in the Office of Fisheries in the Marine Fisheries section that would create a new regional office east of the river so that the department could get into Lake Pontchartrain and Lake Borgne for the first time ever to collect samples. Dr. Clark advised that the Commissioners had been sent a map showing where gill net samples and trammel net samples are taken across the coast and if you would look at the Lake Pontchartrain, Lake Borgne area there is one sample site in the pass between Lake Pontchartrain and Lake Borgne. Along other parts of the coast the sampling is quite evident. Over the past few time periods there has been some questions about Lake Calcasieu and the map shows where the samples are taken in the lake pointed out Dr. Clark. By adding the extra office the department would be into Lake Pontchartrain and Lake Borgne and would add additional stations so that the same kind of coverage could be gotten that is gotten from the rest of the coast. Also the Office of Fisheries is proposing to add some new positions in the new Research Division to try to increase the capabilities of analyzing all the data that is received.

Chairman Jenkins stated that to do these things you have got to understand that we are talking about additional revenues. Dr. Clark added that you are talking about significant additional revenues and just the additions to the two sections that are being discussed would amount to about \$1.2 million for the first year. In the first year it is going to be higher because the people would have to be equipped. This would significantly drop off after the first year. This is not going to happen unless people who want to see it happen become part of the legislative and administrative process for putting the budget together stated Dr. Clark.

Chairman Jenkins asked if any of the Commission members had any questions. Mr. McCall asked how often were samples taken from the eight stations in Calcasieu Lake. Dr. Clark advised that the number of samples that are taken are taken on a fixed schedule every month and asked Mr. John Roussel to address this. Mr. Roussel stated that each one of the colors on the map represents a different type of sample. The gill net sample stations are sampled twice per month the entire year. The seine stations are

sampled once per month the entire year and the trammel net stations are sampled once per month only during the cool weather months from October through March. Mr. McCall asked if the same system is used for the entire coast. Mr. Roussel answered yes, the sampling period is identical for each type of sample throughout the entire coast.

Chairman Jenkins asked if there were any other questions from the Commission. There being none he asked if anybody from the audience would like to make a comments or ask a question.

Mr. Maumas Claveris, 830 Union Street, New Orleans, LA, addressed the Commission. Mr. Claveris asked how is the work that is being done and the future work that Dr. Clark is thinking about coordinate with the work that the federal system is doing and plans to do in the future.

Dr. Clark advised that there are two forms of federal activity in Louisiana. The first form is the Marine Recreational Fisheries Survey and the other is the granting to the Department of Wildlife and Fisheries of federal funds to do the TIP program, etc. The change in the TIP program and the federal funds would be that the department would probably bring all the current activity that is funded at LSU home. Right now LSU is just a past through and instead of LSU hiring the people to go out and do the surveys the department would do this with the additional people. The Marine Recreational Survey is a more difficult question stated Dr. Clark. The only other state in the Gulf that has its own ongoing full time recreational survey is Texas and basically when Texas did their survey they asked the feds to leave. The current Federal Marine Recreational Survey was originally designed and is still designed such that it was never suppose to provide information that was useful as a statistical tool for an area as small as a state. It was put together to answer questions such as what are the marine recreational landings of king mackerel in the Gulf and how do they vary from year to year. The answer to Mr. Claveris' question is it would have to be worked out in the future advised Dr. Clark. One of the possibilities is that department people could be used to augment the federal samples such that Louisiana could get data that would be significant or statically valid for the state. Another alternative would be to ask the feds to dedicate the funds that they are currently using in Louisiana to take samples for the state program or ask the feds to use part of the funds that are currently dedicated to Louisiana to do specialized surveys. Some of this has been done in Texas with Headboat Surveys. Another way to deal with this would be if the feds are not willing to do any of this that they pull out their money and go somewhere else commented Dr. Clark.

Mr. Mark Hiltzan, GCCA, Baton Rouge addressed the Commission and asked the following questions. Is menhaden included in the Finfish Section as far as an area of responsibility? Dr. Clark answered

yes. Is other seafood sampled other than finfish? Dr. Clark answered that the department tries to keep track of everything that is caught in every sample. Is this sampling information relied on for other fisheries? Dr. Clark answered yes, that any information collected is used anywhere it can be put to use. Would Wallop-Breaux money be available for creel surveys or to augment Office of Fisheries? Dr. Clark answered technically yes but all Wallop-Breaux dollars are currently part of the budget process and are being spent. There are no Wallop-Breaux dollars being returned to the feds and any Wallop-Breaux dollars that were moved from one section of the current expenditure to the Marine Finfish Section would have to come from another section's funds and funds for that section would have to be found elsewhere advised Dr. Clark. If the department and Commission decided that they did not want to do some of the projects would the Wallop-Breaux funds be legally available for a creel survey? Dr. Clark answered yes. Has the department looked into the possibility of using other type of labor resource, possibly a cooperative program with the universities? Dr. Clark answered theoretically yes but given the fact that the Office of Fisheries is spending currently about \$600,000 a year funding university activities he would be surprised if universities would be willing to fund the department's activities out of their budget. Is the sampling program being looked at so that there is a comfort level with the approach? Dr. Clark answered yes. What is the status of the reorganization? Dr. Clark answered that any reorganization that was going on in the Office of Fisheries has been completed for several months and everyone is at their new job assignment and duties. What is the progress of the commercial reporting program that was instituted by law in 1989 and the success? Dr. Clark answered that the department is now getting all wholesale, retail dealer reports and for the first time in the history of the state are actively monitoring every licensed dealer and telling them that by law they are required to file their reports. Six weeks ago the department received its first computer printout from the Marine Finfish Section on what dealers were reporting and not reporting. Those not reporting were about fifty percent. Dr. Clark advised that he talked with Acting Secretary McInnis and asked if the Law Enforcement Section would help with this problem. Mr. McInnis took this information to a regional meeting of the law enforcement officers, handed out the report and every wholesale, retail dealer in the state of Louisiana is being currently visited by law enforcement if they are not reporting. These reports will continue to be given to the Law Enforcement Section and if the department has to go back for a second or third time to a non-reporting dealer they will be receiving a ticket. Dr. Clark advised that the department is also facing a brand new reporting system that was passed at the last legislative session by Representative Randy Roach which requires a trip ticket system which is going to make major changes in the way the commercial data is being reported and the department is in the process of trying to gear up for this. This new system will make it better for the department reported Dr. Clark. There are two different points

about a commercial landings report, one is that you receive it and the other is that it is accurate.

Chairman Jenkins asked if this was going to affect the department's ability to count things like the speckle trout quota a little better? Dr. Clark answered that it is only going to get better.

Mr. Hiltzan stated that he thought the trip ticket system will require some rule making on the part of the Commission and asked when did the department think this would be on line? Dr. Clark answered that Ms. Bettsie Baker will handle a lot of this and that January 1992 is when it has to be on line. Ms. Baker will be sending people to Florida because the Florida trip ticket system was the model legislation that Louisiana now has in place. Dr. Clark pointed out that when you go into a trip ticket system every dealer who purchases from a commercial fishermen has to fill out a form for every purchase and send it to the department. This is a lot of paperwork and the only way the department is going to effectively deal with it is if Ms. Baker's section can get the additional funds that they will need for computers, clerical people and keypunch people to make the data available to the department. This is part of the increase budget request that the department is making for this year.

Mr. McCall asked Dr. Clark why were there no samples taken on Sabine Lake on the Louisiana side? Dr. Clark informed the Commission that Louisiana has a joint agreement with the Texas Parks and Wildlife Department by which Texas is doing a complete regiment of sampling within the lake including the Louisiana side and the department has full access to that data.

Mr. Jones stated that maybe this is an enforcement problem and asked how many visits by the Law Enforcement Section will be allowed to the licensed dealers before a citation is issued for noncompliance with reporting? Colonel Winton Vidrine indicated that they will have one visit. Dr. Clark added that the reason for this is that all of the forms and all of the means by which the people are being contacted to make sure that they understand, that they have the right forms, how often to do it, and how to do it has all been done through the mail. There is no way the department has the personnel to hand deliver these forms to all of the people. There is also no way that the department knows that these people got their instructions and forms. The visit to the non-reporting dealer is not just a visit to say send a report. The visit is to actually hand deliver a complete set of documents and by doing this the department can check off that dealer knowing that they know what they are suppose to do. If the dealer has to be visited again and cited the department can win the case in court but if they go to court the first time for giving a ticket the department will probably not win. All the dealer has to say is that they never received the papers in the mail. Mr. Jones stated that he guesses his point is that this is like abiding by two different rules.

When he buys a hunting license he has to know what the rules are and if he breaks the law and has a warden visit him he would have a citation written. Dr. Clark pointed out that a hunting license cannot be renewed through the mail and that a lot of the licenses issued by the department can. Mr. Jones stated that his point is that it is on his shoulders to understand the law and abide by the law and that it is not on his shoulders to wait until somebody visits him and tells him that he is not abiding by the law and next time he should. Dr. Clark commented that he appreciates this and stated that he was told that the only reason that this is being done is that there would be no conviction. Mr. Jones advised that he was not mad at anybody but just saying that it sounds inconsistent in the way that the laws are enforced and that you are either in violation of the law or not in violation of the law. Mr. Jones stated that he was just trying to get clarification because it sounded different to him in regards to other laws of wildlife.

Mr. Maumas Claveris, New Orleans, addressed the Commission again. Mr. Claveris stated that as he recalls from the origin of the Finfish Section that it came out of the task force that Treen appointed and Edwards kept going. This task force had both commercial and recreational fishermen, consumers, scientists, etc. The concept of the Finfish Section was going to be saltwater finfish which by nature includes both commercial and recreational sectors. The money was coming from the sale of these licenses and a good part of the license money comes from the recreational sector on the five dollar add on. There was going to be money coming from the commercial sector on licenses that were either increased or the revenue from existing licenses were changed from where it had been allocated and put into the Finfish Section. It was clear that both commercial and recreational fishermen would be contributing money directly to the Finfish Section. There was a vast change in the commercial licensing setup in 1987. Mr. Claveris asked how much of the effort of the Finfish Section is directed towards genetic fish studies, recreational situations and commercial situations and how much of the income derives from recreational versus commercial. This is one of the questions that keeps being asked stated Mr. Claveris. Chairman Jenkins advised that last time he looked at this it was something like twenty five to thirty percent was commercial and the rest was recreational income. Mr. Claveris asked about the expenditures. Chairman Jenkins stated that he did not know and Mr. Claveris would have to ask Dr. Clark or Ms. Baker. Mr. Baker advised that there is about eight hundred to nine hundred thousand dollars coming from the recreational side and the balance was commercial, four hundred thousand to five hundred thousand, on the income. Mr. Claveris pointed out that there may be room for investigation and discussion of piggy backing with the federal system. The last time this was tried was in 1984 with the creel survey. The data from 1984 is considered the best year data wise that the state has had in several years. The recreational survey that the feds do is a statistical survey and consists of two

components. One is the dock side sampling and the other is a national telephone survey. These surveys do not obtain the correct information and what is needed is a system of gathering and maintaining data that is accurate and creditable to the fishermen involved on both the commercial and recreational side. Mr. Claveris stated that in 1987 the commercial side was told that the federal system works such that there are six people in Louisiana who do nothing but sample all the commercial saltwater fish houses. These agents go in monthly and the more active the fish house, the bigger the buyer, the more often the agents go to the fish house. The fed's thought they were in the ninety percent plus range of accuracy. There was testimony from the commercial sector during the 1987 legislative session where maybe the agents were only counting ten percent of the fish landed and the other ninety percent was slipping by. For certain purposes this is o.k. as long as the percent they are getting versus the real percent remains the same. But for other purposes it is not to good. There is the same problem with the commercial fishery that there is with the recreational fishery only more so because they know that the data that the department is using in imposing restrictions on them is probably not accurate because they know that they have hidden a lot of their catch from scientists through design or accidents because the scientists have not done it right. The state has to move towards a system that does three things stated Mr. Claveris. Coordinate carefully so that what money is received can be well spent to get information that is not only accurate but creditable to the fishermen so that they will understand that what you are doing is based on good numbers and then they will be more willing and able to comply without complaint. This cannot be done unless the state can cooperate with the federal system at least to the extent of not doubling on anything. The state would have to spend a lot more money to have their own system. Texas claims that their recreational system is better, but when you get down to the details of what they are doing the quality is much better commented Mr. Claveris. Both systems have a little deviation from real accuracy but the Louisiana system has the capability, if run well, to be good. You have to look at the quality as well as the quantity of what is going on concluded Mr. Claveris.

Dr. Jerry Clark asked that the Proposed Notice of Intent on Freshwater Fish/Head and Caudal Fin Intact Rule be pulled from the Commission meeting agenda. Dr. Clark reported that at the last Commission meeting the notice of intent on the black bass plan was passed. At that meeting the issue of heads and tails intact (filet bill) was discussed and the decision to postpone any action on this issue was decided upon. The department has come up with something on this issue but has decided to withdraw it from the agenda. The reason being that if something is done at this Commission meeting on this issue it would have to be an emergency rule. A filet bill for freshwater is a fairly significant change to the way fishermen in freshwater have operated over the years. Dr. Clark explained that if an emergency is done today that a notice of

intent would have to be done at the next meeting and the proposed rule would have to go to oversight committee. When an emergency rule is done it is done for season openings and closings and the kinds of things that are a true emergency. Dr. Clark advised that he has talked with Acting Secretary McInnis and it is basically the opinion that if the department goes with an emergency on this they might run into some problem with oversight because when you do an emergency they do not have the opportunity to do oversight and it is almost like you are trying to get around them. The department is proposing that nothing be done at this Commission meeting, come back next meeting with a notice of intent, go through oversight and proceed through a final rule making 150 days from now. Dr. Clark asked the Commissioners that this be pulled from the agenda. Chairman Jenkins asked if any of the Commissioners had any objection. There being none the item was pulled from the agenda.

At Thursday's meeting Mr. Tommy Prickett gave an Update on the Alligator Program. Mr. Prickett reported that Mr. McCall had written a letter requesting a update particularly with regard to the finances and vacancies in the Alligator Farming Section. Mr. Prickett pointed out to the Commissioners that in each of their packets was a update on the projected revenues and expenditures for the program for fiscal year 1990-91. The projected revenues for the program is slightly over eight hundred and fifty thousand dollars during this fiscal year. The approved budget for the year is five hundred and eleven thousand dollars. Collections to date are four hundred and forty thousand and expenditures to date are about two hundred thousand. Operating services account for almost fifty percent of the expenditures and in that category a little over a hundred thousand is for helicopter time for doing nest surveys, etc. pointed out Mr. Prickett. With regard to the personnel vacancies Mr. Prickett stated that the list for the Alligator Farm Biologist position has been called for and if there are eligible candidates on the list a person will be appointed. Interviews for the Non-Marsh Alligator Coordinators job, which is in north Louisiana, were held Monday, December 3rd, and a candidate was selected. The paperwork has been done and awaiting approval by Acting Secretary McInnis. A Civil Service list has been called for on the four Specialist positions which are non-technical positions and should be received within a week or ten days. Mr. Prickett explained that there are two attachments to the report. One gives the projected and actual revenues for last year and this year. The total revenue projection this year is eight hundred and fifty two thousand dollars and the bulk of this will come from the four dollar tag fee which is about five hundred and ninety four thousand dollars.

Mr. Pol asked about the projected revenue of eight hundred and fifty two thousand dollars and the approved budget of five hundred and eleven thousand dollars and where was the other three hundred and fifty thousand dollars going.

Mr. Prickett explained that initially there was a projected revenue of somewhere in the order of four hundred and fifty thousand dollars for the program. There has been some recent developments because of the rapid increase in the number of alligator farms and the revenue projection has been increased with an anticipation that an additional seventy thousand alligators will be harvested between now and June 30th. In the last week or two the revenue projection has been revised upward. Mr. Pol asked again where was the additional three hundred and fifty thousand dollars. Mr. Prickett stated that all of the revenues from the Alligator Program go into the Conservation Fund and the Fur and Refuge Division budgets what is needed to meet the needs of the Alligator Program. This year it was deemed to be five hundred and eleven thousand dollars. At this time during the meeting it was pointed out that the projected budget that the Commissioners reviewed earlier was the 1991-92 fiscal year and the five hundred and eleven thousand dollar budget figure was prepared a year ago. At that time the projection for revenue was four hundred and fifty thousand. Mr. Pol asked what it would be for 1991-92 budget. Mr. Prickett answered that the projected revenue for that year is eight hundred forty thousand seven hundred dollars. Mr. Pol stated that whether it is for 1991, 92 or 95 it is still three hundred and fifty thousand dollars short and asked if this money is going into the Conservation Fund. Mr. Prickett answered that was correct. Acting Secretary McInnis added that the approved budget for the current year was established over a year ago based on projections. The projections have been updated based on this year's sales and use of the tags. Just in the last week to ten days, the projected revenues have been revised from those sales. This is where you are seeing the difference of the three hundred and fifty thousand dollars in the updated projection as opposed to the original projection which was a year ago explained Acting Secretary McInnis. Mr. Pol commented that his point is that if money is needed in the Finfish Section how come the addition three hundred and fifty thousand dollars that is being projected being put in the Conservation Fund instead of projecting it over to the Finfish Section. Acting Secretary McInnis explained that the department is prohibited currently from moving any funds without going to the Budget Committee and getting a BA-7. Chairman Pol asked if they could go to the Budget Committee. Acting Secretary McInnis answered yes you can to the Budget Committee but understand that these funds are in the Conservation Fund at this time and to get permission to expend any new funds you have to go to the Budget Committee and get approval for any funds over and above which you have originally budgeted last year. Mr. Prickett responded that this projection shows excess revenues generated by the Alligator Program. The Fur and Refuge Division which manages the Alligator Program is actually two million dollars short right now because there was a projected revenue figure for Rockefeller Refuge of almost three million dollars and it is only going to generate a million. The three hundred thousand hopefully will go into the Conservation Fund and make up for some of the lost

revenue. Mr. Pol stated that his only point was that the alligator fund seems to be prospering and the fishing seems to be going down. Mr. McCall asked what the figures at the end of last year. Mr. Prickett stated that the actual revenue at the end of last year was five hundred and two thousand, one hundred and nineteen dollars. Mr. McCall asked what the budget was. Mr. Prickett advised that he could not recall what the budget was last year and asked Ms. Baker if she could address this. Ms. Baker answered no, but that expenditures were about three hundred dollars. Mr. Prickett pointed out that some of the vacancies have not been filled and he does not anticipate that they will actually spend five hundred and eleven thousand dollars during the fiscal year on the program. It should be something less than that. Mr. McCall asked about the person that had been hired to work with the Alligator Program when Secretary Van Sickle was heading the department. Mr. Prickett explained that the individual has transferred to another division within the department. Mr. McCall asked when he transferred. Mr. Prickett answered October 10, 1990. Mr. McCall asked how soon did Mr. Prickett think the position would be filled. Mr. Prickett advised that he could not answer the question but hopefully within the next month it would be filled. The list has been called for and as soon as the list is received interviews will take place. Mr. Jones stated that he thought it was not a bad idea of not spending all the money. Mr. Prickett stated that the program is going to continue to go as long as the price holds for alligator hides.

Chairman Jenkins asked if there were any more questions from the Commission or from the floor. There being none Chairman Jenkins went on to the next agenda item.

At Thursday's meeting Colonel Winton Vidrine presented the Monthly Law Enforcement Report for November. Colonel Vidrine reported the following cases were made for November.

Region I - Minden - 120 cases with 4 being made by other division specialists. Twelve deer, six wood ducks, rifles and a remington shotgun were confiscated.

Region II - Monroe - 106 cases with 6 1/2 deer being confiscated.

Region III - Alexandria - 236 cases with 50 being made by other division specialists. Fifty six ducks, one goose, one otter, nine deer, six rifles, shotgun and an electric caller were confiscated.

Region IV - Ferriday - 112 cases with 41 being made by other division specialists. Sixteen deer, eight squirrels, one rabbit, one bobcat, eight ducks, four shotguns and two rifles were confiscated.

Region V - Lake Charles - 230 cases. Ninety three ducks, two rabbits, one deer, 1,381 pounds of shrimp, two geese and a woodcock were confiscated.

Region VI - Opelousas - 149 cases with 23 being made by other division specialists. One live deer was confiscated and it was released on Sherburne. Four raccoons, thirty pounds of shrimp, fifty pounds of shrimp, one squirrel, seven bass, one fifty foot gill nets, eight coots, one deer, six wood ducks, five other ducks, and one rifle were also confiscated. Chairman Jenkins asked about the live deer and Colonel Vidrine explained that it was penned up behind a house and the person had no Game Breeder's permit.

Region VII - Baton Rouge - 172 cases. Five deer, six wood ducks, ten pieces of deer meat, gill net, six rifles, one pistol, five shotguns and one spotlight were confiscated.

Region VIII - New Orleans - 317 cases. A lot of the cases pertained to commercial fish. Twenty four cases were possession of undersized black drum, eleven taking commercial fish without gear license, eleven possession of oysters without harvester's license, six trawling in restricted area in Lake Pontchartrain, fourteen using lead shot in a designated steel shot only area. One deer, fifty three ducks, one hundred thirteen speckled trout, one hundred sixteen black drum, eighty four whole redfish, eight hundred seven pounds of catfish, two sheephead, seventeen hundred sixty one pounds of undersized catfish, two hundred and eighty nine pounds of shrimp, five thousand seven hundred and eighty seven pounds of shark, one hundred sixty pounds of black drum, seven trawls, eleven boats, five gill nets, pickup truck, and a boat and trailer were confiscated.

Region IX - Gray - 341 cases. Possession of undersized red drum, undersized spotted seatrout, black drum, several shrimp cases. Twenty five cases were for untagged migratory game birds, sixteen for over limit of ducks. Confiscated two hundred and sixty three ducks, thirteen gallinules, sixteen and a half sacks of oysters, twenty five bowfin, couple of alligators, seven rifles, one outboard motor, two trawls, three gill nets, four shotguns and a duck blind.

SWEP issued eleven citations and confiscated two trawls, ten thousand eight hundred feet of gill nets and two hundred pounds of shrimp.

The Oyster Strike Force issued twenty three citations and confiscated thirty four sacks of oysters and three gill nets.

The total number of cases for the month of November was 1817 citations issued by department personnel. Out of these 257 were issued by department specialists

Colonel Vidrine stated that the Law Enforcement personnel had a very active month and worked a lot of hours. They did a good job commented Colonel Vidrine.

Mr. Jones asked Colonel Vidrine why is it the department is enforcing private trespass laws within the oyster business and not in other areas of game and fish. Colonel Vidrine explained that they do this if there is an agent present at the time that can witness the violation. Major Tommy Candies advised that they enforce criminal trespass on properly marked oyster leases. Mr. Vujnovich stated that this was one of the industry's biggest problems. Major Candies commented that you have got to either own the lease or have written permission in possession while working oysters. Chairman Jenkins remarked that he thought Mr. Jones' question was why doesn't enforcement do this on private property other than oyster leases. Major Candies stated that they do but they like to have the landowner sign an affidavit saying that they want to file charges. Enforcement has been burnt in the past by citing someone for being on private properties, filed charges and when it was time for court the landowner will say he did not mean that person, and that it was alright if he was hunting on his land explained Major Candies.

Mr Vujnovich advised Major Candies that quite a few people were caught stealing oysters from his oyster leases and on every citation issued he had to go to Pointe A La-Hache, bring his lease and prove to the judge that he owned the leases. In one month, December, Mr. Vujnovich spent fifteen days in Pointe A La-Hache. The problem was quite serious a few years ago but now it is diminishing with the help of the enforcement people and good judges stated Mr. Vujnovich.

Chairman Jenkins asked Colonel Vidrine if he could say from what he knows right now whether the duck violations are better, worst, normal, etc. this season. Colonel Vidrine advised that the citations issued are under what they were last year.

Colonel Vidrine pointed out to the Commissioners if they would look under Region VII of the Enforcement Report that they would see that there was seventeen citations issued for criminal trespassing on private property. The agents do not go out and look for people that are trespassing unless the landowners have asked for assistance. Mr. Jones stated that he guesses his point it that the agents do look for it in the oyster business. Colonel Vidrine answered yes they do.

Mr. McCall asked Colonel Vidrine if he could share anything with the Commission in regards to Calcasieu Lake the last few days? Colonel Vidrine advised that the first call he received was Monday morning from Mr. McCall and agents were sent to the area. Also one of the planes is flying daily flights. Yesterday the agents from Lake Charles confiscated six thousand and something feet of

unattended gill nets. Additional information was received yesterday afternoon that there was quite a few nets in certain areas of the lake, in the passes. Enforcement Agents were sent to the lake this morning and as of 1:00 p.m. they had picked up twenty two gill nets and cited one person for unattended nets. The agents are still out there picking up a lot of nets Colonel Vidrine informed the Commissioners.

Chairman Jenkins stated that he did have a call from some people that had complaints and he told them he thought it would be alright for them to come to this meeting and address the Commission.

Mr. Mark Hiltzan, GCCA, addressed the Commission. Mr. Hiltzan reported that over the last month or so he has gotten a tremendous number of calls about out-of-state mullet boats in Louisiana. This started about a month and a half ago generally being more around New Orleans and Plaquemines. About a week and a half ago calls started coming in from the Lake Charles area. There are several general concerns. One, just looking at the mullet alone there is concern about the mullet. The people that went out after the freeze and looked at dead fish, saw that the three most prevalent kinds of larger fish were speckled trout, red fish and mullet. A lot of mullet were killed. It is not known how much of the whole population was killed. Mr. Hiltzan stated that he has heard that there were as many as three hundred and fifty boats in Louisiana right now. These are mostly Florida boats and literally as one fisherman told another "fish them until we get the last one and then we are going to leave". There is tremendous pressure on the mullet and it cannot possibly be at its best stock condition because it took a serious beating like the rest of the inshore fish did in the freeze last year. Louisiana is managing this fishery and managing it in such a way that we are encouraging these people, who have taken all their own mullet, to the point where it is not profitable to fish them this time of year, to come to Louisiana and take everything that they can get until there is none left commented Mr. Hiltzan. Mr. Hiltzan stated that the recreational and a lot of the commercial fishermen are concerned with the fact that it is all out-of-state fishermen and questioned what the state was seeing out of this. Another concern is the predator-prey relationship. Mullet is a very important bait or feed source for the fish that sustain the recreational and a part of the commercial economy at this point. There are questions about just mullet in general, whether this fishery is safe, and shouldn't the state be taking some kind of an emergency look at the fish. There is concern about the whole control issue. There are three hundred and fifty people with very, very efficient gear who could care less about what is left because they do not live here. These people are out on the water every second that they can possibly be with the attitude of taking everything that they can get until it is all gone and then leaving commented Mr. Hiltzan. There is concern about the ability of enforcement to even keep up with this problem. There is every kind of activity that you can name going on in the

coastal area right now stated Mr. Hiltzan and there is concern about the kind of enforcement situation that is out there. The people from Lake Charles and Mr. Hiltzan want the Commission to look at this and address the subject. Mr. Hiltzan turned the floor over to the people from Lake Charles.

Mr. Doug Cook, President of Lake Charles Chapter/GCCA, addressed the Commission. Mr. Cook stated that what they are concerned with in Calcasieu Parish is that there is an enforcement problem which is a serious problem. Mr. Cook advised that they have got some video tape that they would like to show. The point in taking the video tape was not to make the agents look bad but more to point out to everyone that it is a very large problem for six agents to cover two million acres of land. Mr. Cook informed the Commissioners that he works for a company that owns about a hundred and thirty five thousand acres of timber land and he is very familiar with the problems of trying to oversee the land. This past weekend there were probably seven witnesses which saw the mullet boats with one catching well over three hundred red fish in its nets, loaded them in the boat and took off. This incident was reported and not a whole lot was done. The person that reported the issue was given some bad advice that she could not pursue it because no agents were there to witness what happened. Mr. Cook stated that he understands that it is a necessity that you have agents available to halfway witnesses what is going on and that the penalties that are currently on the books for violators need to be reviewed. Louisiana is not protecting its marine resources in Calcasieu Parish stated Mr. Cook. Mr. Cook introduced Mr. Jeff Poe who took footage with a video camera yesterday after the Wildlife and Fisheries Department did their sweep of Calcasieu Lake. Mr. Poe filmed ninety nine unattended nets yesterday. These nets have serious algae growth on them and they are being confiscated this morning. Mr. Cook advised that he talked with Mr. Jamie Collins last night at 11:30 about this issue. This problem is serious and enforcement does not have enough people to do what needs to be done in Calcasieu Parish, they need more people pointed out Mr. Cook. At this point during the meeting Mr. Poe showed the video tape on the unattended gill nets in the ship channel.

Upon completion of the video Chairman Jenkins asked Mr. Poe is what he said was that these unattended gill nets have been going on since August? Mr. Poe answered late August, early September and the main purpose for these little short nets is to catch flounder but it is not specifically going to catch one species of fish. Mr. Poe has seen redfish and trout being pulled out of the nets. Chairman Jenkins asked Mr. Poe if he has reported the unattended gill nets? Mr. Poe answered these right here, no he hasn't. A lady from the audience stated that they have been reported and when asked where the nets were the enforcement agents were told up and down the ship channel. The agents would then ask for a specific spot and they are told up and down the ship channel. They have got to have a specific spot or they cannot seem to find them she

stated. Mr. Poe stated that last year he had reported these same nets and he was told that there was some kind of a different law that went into effect, something about it being on the ship channel. Lt. Jamie Collins, Lake Charles, stated that he could explain this. Highway 82 that runs from Sabine Pass, Texas through Grand Chenier is part of the Louisiana saltwater boundary. Everything south of Highway 82 is salt, everything north is fresh, except Calcasieu Lake and Sabine Lake which are included in the saltwater boundary. Within the Calcasieu Lake system the law says that portion of the lake and the ship channel that directly adjoins the lake would be included in the saltwater area. If you get in the ship channel running above the lake that is not in the lake proper itself technically it is not included in the saltwater area. The problem that arises is that Highway 82 coming up from the channel, East and West Pass and Oyster Bayou are included in the saltwater area. That portion above 82 up to the pass and from the pass on up to the washouts, technically under law are not included in the saltwater area so it is not in the attendance regulation. Chairman Jenkins asked if people could go in there and illegally fish that area because the law is not written as such. Lt. Collins answered no sir not illegally. They have checked a lot of fishermen. Lt. Collins stated that he does not disclaim that there is a lot of nets but the problem is when you look at the law in this situation technically they can fish a portion of the ship channel and technically it is not included in the saltwater restrictions, so the net does not have to be attended. Below 82 where a lot of the nets that Mr. Poe saw is automatically saltwater. Chairman Jenkins commented that it sounds like to him that they need to change the law for the portion where the saltwater fish are that Lt. Collins says does not apply, but still the parts that do apply there is no question about that. Lt. Collins stated that it is a problem on their part and the next problem they have is that the law says if you possess a commercial license, a twenty five dollar gear license, a vessel license for saltwater you can fish any number of nets you want as long as no single net exceeds twelve hundred foot in length. These fishermen that fish out there fish six, seven and eight nets. Calcasieu Lake is twelve to fifteen miles long and the fisherman may have nets out for three or four miles in different places. The man cannot be with all the nets at one time, what do you do stated Lt. Collins. Chairman Jenkins advised that you write him a ticket for unattended nets and asked Colonel Vidrine if he was right. Colonel Vidrine answered correct, yes sir and you only fish the number of net you can attend. Lt. Collins stated he was going to have to be shown this since it says a man can fish legally any number of nets. Chairman Jenkins stated that they can show him this. Lt. Collins explained that they will go out and find a man who will be with net number one who advises that he has four more nets down from him. Chairman Jenkins advised that the man be written up on two, three and four because he is not attending them. Lt. Collins stated if that is what the Commission and department says he will. Chairman Jenkins commented that is what the law says, not what he says. Lt.

Collins pointed out that there will be another problem when this goes to the District Attorney in Cameron Parish. Mr. Jones asked about the settlement of this issue. Colonel Vidrine informed Mr. Jones that the fishermen have to be with each net or a citation will be issued except for the freshwater area. Chairman Jenkins stated that this needs to be put in the legislative packet next year to change it. Colonel Vidrine explained that it is possible to have two or three nets and the fisherman is right there with his nets. Mr. McCall asked what if the nets were two miles apart, number one to number four net. Colonel Vidrine answered that is another unattended net.

Chairman Jenkins asked Mr. Poe if he had anything else he wanted to say. Mr. Poe stated that they did have eyewitnesses to when the mullet boats were catching the redfish and keeping the redfish. Colonel Vidrine added that on the eyewitness, he met with Captain Manuel and Lt. Collins and instructed them to make an appointment with the District Attorney of Cameron Parish. Call the D.A. this afternoon or tonight and try to set up a meeting where they can get all the witnesses together and meet with him and see if there is enough evidence to prosecute the Florida boat. Colonel Vidrine stated that according to what he has been told he thinks there might be enough evidence to prosecute. Mr. McCall asked how many of the Florida boats did the department write up today? Colonel Vidrine stated that he did not know. Chairman Jenkins asked if anyone had anything else to say.

Mr. Mark Hiltzan addressed the Commission and stated that they are really looking at two issues, one is the mullet and two is the nets and the ability to enforce the nets. This is not an isolated situation and Mr. Hiltzan advised that he is getting just as many complaints from New Orleans people. The people that fish in the saltwater areas are getting very frustrated. Mr. Hiltzan commented that with an Enforcement Division that is doing a lot better job, a more concerned Commission, all new kinds of systems in place such as civil fines, better tracking system for violations they should be seeing less of this but are seeing more. It is felt like saltwater fisheries is not getting any attention right now, it needs attention and this is why they are here commented Mr. Hiltzan.

Colonel Vidrine stated that as a point of information, this morning when the agents picked up the nets they took a head count of all the fish that were destroyed which the department will try to recoup through civil penalties.

Mr. Schneider asked if these mullet boats were fishing with a state permit? It was pointed out that all they needed were a vessel license, out-of-state fishing license and a twenty five dollar net license. Mr. Schneider asked if part of the problem is that they are catching these trout and red fish as a by-catch? Colonel Vidrine answered yes and if there is enough evidence to prosecute

the person that was guilty of taking a bunch of redfish a few days ago the penalty is six months in jail and also a five hundred dollar fine. If the judge gives the department the fisherman's boat they can take it advised Colonel Vidrine.

Mr. Cook commented that in addressing the issue of when to write the tickets for unattended nets it was stated that this is not the way the District Attorney of Cameron wants it done and asked if there was anything the Commission can do to look into why the D.A. would not accept those charges or did not want the tickets to be issued for those particular violations. It was stated that there has been a change down there with a new District Attorney. Mr. Pol advised that they had just helped Mr. Glen Alexander and he was sure that he would be receptive.

Mr. Steve Shaddock, Lake Charles, addressed the Commission and advised that he would like to see the nets out of the water and also would like to see a commercial rod and reel fishery.

Mr. Terry Beck addressed the Commission and advised that in the spring when he was fishing there were dead redfish all over the lake because they had been trapped in gill nets all night long. This Sunday Mr. Beck and a friend were fishing when one of the Florida boats came up and caught fish, giving the redfish to two Louisiana netters and then took off. Mr. Beck was asked if they wanted some redfish and he advised the netters that it was illegal to catch redfish with a net but you could still use a hook. The gill netter from Hackberry had a rod and reel with him and said all of his was caught with a rod and reel. Mr. Beck also wants the nets removed from Calcasieu Lake.

Mr. Foret stated that he would like to ask Colonel Vidrine some questions. Mr. Foret stated that in Region IX they definitely need more manpower plus their radios are just about all shot and asked if there is anything the Commission could do. Colonel Vidrine stated that he agrees one hundred percent that more manpower and new radios are needed. The coastal areas will probably always be shorthanded and the workload in Region IX is a lot heavier than anywhere in the state commented Colonel Vidrine and advised that some radios have been ordered and they will be going to the coastal parishes. The department has been trying to change to a better radio system for the last five or six years to no avail. Mr. Foret stated that they also need Loran in the enforcement boats as all the shrimp laws are ran by longitude and latitude and it makes it very difficult to write citations.

Mr. McCall asked if there was any possibility if there could be more law enforcement coverage in Calcasieu Lake? Colonel Vidrine advised that he instructed Lt. Colonel Clark to send one of the large boats into that area and also Captain Manual will probably be shifting some people around in that area.

A lady from the audience asked if the boats in the area had radios or a dispatcher because the problem is when a person is out on the water and sees these things by the time they get home to report these violations these people have already picked up their nets and gone.

Mr. Cook stated that two years ago the Board of Directors of the Lake Charles Chapter of GCCA bought two VHF radios for the Lake Charles agents and asked what had happened to them. Lt. Collins answered that those radios were in their boats.

Lt. Collins addressed the Commission on the issue of the ninety nine nets that were in the water. Lt. Collins stated that if there has been ninety nine nets since August then no one has called them that he knows of or they have not been insistent enough to tell him that there were ninety nine nets. Lt. Collins does not want the Commission and department to believe that they are just sitting over there not doing anything and not responding at all. The agents may not come as quickly as the people would like due to the fact that they have other things to do. Lt. Collins pointed out that they have been down that channel and have the boating hours to show the hours spent out there. Chairman Jenkins stated that it was time to get on with the meeting and he believes that everybody knows what the problem is which will be addressed.

Acting Secretary A. Kell McInnis III gave the Acting Secretary's Report at the Thursday's meeting. Acting Secretary McInnis reported that a number of things have taken place in the last month. Mr. Pol contacted Acting Secretary McInnis and informed him that he was again contacted by Mr. Walter Thoren in Port Sulphur, LA. Mr. Thoren was interested in getting a closed season live bait shrimp permit and had asked the Commission to take a look his particular situation. The department has been in communication by letter and telephone with Mr. Thoren and several people that called on his behalf. Back in August Ms. Van Sickle sent him a letter indicating that it was really mute to try and get him a bait shrimp permit at the time because of the fact that it is only good between the spring and fall season which was a very limited time and the fall season was scheduled to open very shortly. Subsequently, Ms. Van Sickle indicated that when the season closed she would come to the Commission and request a waiver so that Mr. Thoren could continue to trawl. In reviewing this matter Acting Secretary McInnis got with Mr. Don Puckett and reviewed the statute that allows for the bait shrimp permit. A letter was composed back to Mr. Thoren in essence that the permit is only available for the closed season between the spring and fall season. This statute does not give the authority to issue such a permit to Mr. Thoren and on November 15, 1990, with Mr. Puckett's assistance a letter was composed, signed by Acting Secretary McInnis and sent to Mr. Thoren so that he would understand the situation. Mr. Thoren again has contacted Mr. Pol and it is of the opinion that this is not in the control of the Commission to issue a permit between the fall and spring season,

just between the spring and fall. Mr. Thoren was provided with a permit to fill out for the coming year (between spring and fall) and it is hoped that he will do this timely advised Acting Secretary McInnis.

Dr. Jerry Clark attended the Gulf Council meeting dealing with the reef fish issue. The decisions made are still not complete and they will continue to monitor the reef fish program. There is a meeting scheduled in Houston in January where they will get further into the development of the plan which will have a completion or effective date to it. They did address the recreational limits and the commercial quotas at the last meeting which were revamped from the original decision that was made in New Orleans. Acting Secretary McInnis joined Dr. Clark at the meeting and he had a opportunity to meet with a number of the people on the Council and found that they do seem to have a good perspective of the whole Gulf complex.

Acting Secretary McInnis attended a meeting in South Carolina dealing with concerns that the International Association of Fish and Wildlife Agencies have for the "anti" sentiments. There is a sub-committee of directors from California, Florida, Maryland and South Carolina working on a program to get ready for the "anti" hunting sentiment. In the past two years there have been legal challenges to the opening of certain hunting seasons in California and this last year in Maryland. To date these seasons have been successfully defended but at the New Orleans meeting there was a great concern expressed about the situation with migratory birds, not just waterfowl but all other birds that are migratory. The statistical data that has been gathered historically on these species is not nearly as detailed as that on waterfowl and there was a motion made at the New Orleans meeting that will address this and get the U.S. Fish and Wildlife Service working in conjunction with the states and International to gather information on these issues. At the South Carolina meeting Mr. Pete Bontadelli from California got everybody's attention when he displayed what was necessary in California to successfully defend the opening of the seasons. On deer they have sixty three management plans for deer herds that have to be updated every year. Acting Secretary McInnis stated that he hopes this is a long way off for Louisiana but it is frightening. In California there is a management plan for every mountain lion and every bear. The migratory birds in California were particularly significant this last year. They were only able to open the migratory waterfowl season in California because they did not take Commission action but instead adopted the federal rule. Because of this there was no state violation in California this year for any type of migratory bird. They adopted the federal rule because of fear they did not have enough support of data to document that there were sufficient numbers to open this season in California. This is a very serious and growing concern not just in Louisiana but nationwide and everybody left the meeting with a better realization of what could come. A new governor has been

appointed in California and Mr. Bontadelli is not certain that he will be in his job after the end of the month and has graciously asked Acting Secretary McInnis to join him and meet with his staff and work through the process that they went through to create the documents so that someone would still be around to know what was done to put it together. One of the things the International is working on is a documentation format that can be utilized nationwide and if a state has a problem they will know what has been accepted in the federal court system commented Acting Secretary McInnis.

Wednesday before Thanksgiving an attempt was made by two district judges in the northeast part of the state to use restraining orders to close down the either sex-deer hunt schedule on two particular wildlife management areas. Copies of the restraining orders were received mid-afternoon on Wednesday before the Thanksgiving holiday. This did not give the department much time to respond. With Mr. Bateman and his staff's help, Mr. Landrum and people in the Legal Division everybody who could possibly be contacted was but were unable to locate the judges who had issued the restraining orders. The second circuit in Shreveport which is the appellate court system for that district was contacted and the department was able to fax sufficient pleadings that they in turn convened a three judge panel, reviewed the information and Wednesday night they faxed back to the department an order staying the restraining orders and ordering that a hearing take place. To date the hearing has not taken place but the hunts did take place advised Acting Secretary McInnis. The hunts were affected by the publicity in those areas with a reduced participation rate on the areas which resulted in some people being displaced and reduction of animals being taken off of the particular areas. Last evening Mr. Landrum, Mr. Bateman and Acting Secretary McInnis met with the two judges, and the senator and representative from the area who were very concerned about the management of the deer herds on those particular areas. Ideas were exchanged, information was obtained and the department will take into consideration their thoughts on the matter and hopefully the department will be in a posture to make some positive suggestions on the management of those areas that will enhance not only the herds but the participation of the hunters. This will not be limited to just those wildlife management areas advised Acting Secretary McInnis and stated how important it is to have the venue statute on the books that requires people to come to Baton Rouge when they are challenging Commission action.

At the request of the Commissioners Acting Secretary McInnis viewed the Spanish Lake Territorial map at Taylor-Clark Gallery. Mr. Richard Condrey had brought this map to the Commission's attention. The price of the map is \$2,750 and is limited basically to the Mississippi River itself and what the descriptions of the terrain were on either side of the river. It was by military design to figure out a way to get into the Mississippi River with vessels to

make some type of attack by coming through the Lake Pontchartrain, Lake Maurepas system through the river and back up into the Mississippi River around Baton Rouge which never took place. There were three hundred maps produced, two hundred in french and one hundred in english. The value of the map comes from its rarity. Acting Secretary McInnis stated that he reviewed the map and asked Ms. Bettsie Baker to also look at it and they could not ascertain any particular benefit to the department to have it other than to own a rare document. The map did not indicate any significant wetlands at the time and really charted the course of the river. If the Commissioners wish to pursue this further, Acting Secretary McInnis advised that he would and stated that he was not that knowledgeable about rare documents and perhaps he missed some of the value of the map.

Concerning the Bell 47 helicopter, from the U.S. Fish and Wildlife Service, documents have been signed off on and the department was scheduled to pick up the helicopter last week. There was some question about the avionics that were taken out of the helicopter and what was suppose to be there and what wasn't. The people in Atlanta were straightening this out and it is hoped that the helicopter will be in Baton Rouge next week at which time it will be checked out. It is expected that the helicopter will be put to use during the second split of the waterfowl season. The parts that come with the helicopter are in Florida and arrangements have been made to bring them back to Louisiana. Mr. McCall asked if the department had someone qualified to fly the helicopter. Acting Secretary McInnis stated that he does not have anyone on staff but has explored the opportunities of using a pilot with State Police and one that is outside the agency who are qualified to fly the helicopter and have expressed the willingness to work with the department on a short-term contract basis which would give the department the chance to advertise for a pilot. The pilot that was qualified in Enforcement is doing duty in Saudi Arabia and has gone full-time with the military. Acting Secretary McInnis stated that the department appreciates Ms. Baker's efforts in helping to obtain the helicopter.

Ms. Baker is involved on a committee that is working on the new radio system for the department. Mr. John Medica and Lt. Colonel Charlie Clark served on a technical committee to work through what the needs of the department were as far as radio contact and systems were concerned. Several years ago the department thought they were going to get involved with the 800 trunking system with State Police. The department was short on money so it could not go forward at that point in time. The department may get outside money to take care of this. There is a deadline of March 15, 1991, for the consulting group to come back with a final recommendation. The time frame is such that they can take action during this upcoming session of the legislature to fund that project. Wildlife and Fisheries is not the only department that has experienced a radio communications problem but are the only statewide enforcement

group that doesn't have communications that you can talk to your office on or to each other on stated Acting Secretary McInnis. This is not limited to just the Enforcement Division and there are people throughout the department that have problems with their radio system.

There are a number of things going on in the Habitat Conservation Section. A pair of eagles have been located on Spanish Lake which is just east of Baton Rouge. The nest is in Iberville Parish right on the East Baton Rouge Parish line. The department was contacted by a number of people about the eagles and the Nature Conservancy assisted the department. Authorization was given by the landowners to post the site. The area happened to be where someone had a duck lease but the people were most cooperative and stayed away from the nesting area. It should be a successful nesting season advised Acting Secretary McInnis.

The legislature had asked the department to address the Queen Bess Island situation and it has been working on this. Spoil has been dredged and put around the island to create a base to put the shell on. The Corps of Engineers, Fish and Wildlife Service, Coastal Restoration and the department are working cooperatively in trying to get island in good shape. Part of it was lost in the last storm. Five hundred and fifty thousand dollars will basically be spent in fixing this nesting area for the pelicans. Queen Bess Island has been the most successful nesting area Louisiana has for the brown pelicans and the department certainly wants to keep it intact.

Habitat Conservation has also been involved in a number of smaller programs. Mr. Blue Watson from the department has been very active on the Amite River Flood Mitigation Prevention System Task Force. Acting Secretary McInnis joined Mr. Watson for the final presentation. The Governor has indicated that he will make a final decision very shortly, if not already, on going forward with the project.

The section is also involved in seminars with Civil Engineers at Louisiana Tech on the Wildlife and Fisheries function in the wetland permitting process and attended the seminar at USL last month.

They were also a active participant in Environmental Risk Assessment that is going on through DEQ. The EPA is sponsoring this and Mr. Wade Byrd is also involved in working with this particular group.

The Scenic Rivers people have been busy. A Workshop was held at the Alexandria State Forest so that people could learn more about the program.

The department was interviewed by the Assessment Team from the National Coastal Management Groups which is gathering information on all the states coastal management programs. With the anticipated influx of the new Breaux dollars a coordinated effort is needed.

The Scenic Rivers Section is trying to finish up and publish the results of the recently completed scenic rivers survey that they have been working on. They are also working with the Governor's office to help work out the conflict between Mississippi and Louisiana of the East and West Pearl River. This conflict has been going on for some time and Mississippi recently filed suit in federal court to challenge ownership rights.

The policy that Ms. Van Sickle had issued on Commission attendance and contact with the Commissioners has been addressed. It is in a draft form and should be out shortly. Based on the discussion at the last Commission meeting most of the employees have a much better understanding of what was intended and it will be given to them in writing. It will probably be two separate issues advised Acting Secretary McInnis.

A oil spill meeting was scheduled for Monday but was rescheduled the following Tuesday. They will review the initial plan that has to be submitted to the legislature prior to the session. Mr. Barney Barrett and Mr. Jim Hanifen from the department are two of the technical people on the group and will be monitoring the oil spill plan.

Acting Secretary McInnis asked Mr. Don Puckett to come up and address the Commission on an issue dealing with Legal Representation that was discussed at the New Orleans meeting in September. Mr. Puckett advised that some time ago Mr. Pol, who was Chairman of the Commission, asked him to sit down with himself and Ms. Van Sickle to work out some plan wherein department counsel could represent the department and the Commission in those rare instances where there are a difference of opinion in a lawsuit. Mr. Puckett advised that he has worked up a resolution and a copy was in each Commissioner's packet. This has been discussed at length with Ms. Van Sickle before she left, with then Chairman Pol, Acting Secretary McInnis and Chairman Jenkins. This came about as a result of the oyster litigation issue. When the oyster litigation came up the department and the Commission had a difference of policy on how to proceed in the lawsuit. Because of ethical considerations that apply to all lawyers both Mr. Puckett and Mr. Landrum informed the Secretary and Commission that they had to withdraw from representation. At that time representation of the Commission and the department was undertaken by separate counsel which prompted Mr. Pol to ask Mr. Puckett to investigate and see if there would be any way that this kind of situation could be avoided in the future if for no other reason then the cost involved in employing a private attorney. The

resolution that Mr. Puckett has worked up would be agreed to by both the Secretary and the Commission where they would acknowledge there was a difference of opinion on a pending piece of litigation but through a mutual agreement would allow counsel to go forward representing both parties with Mr. Puckett representing the Commission and Mr. Landrum representing the department unless there was mutual agreement otherwise. Basically both attorneys would defend both entities as vigorously as they would otherwise with the understanding that there were differences of opinion. This is necessary in this document form to give some protection to Mr. Landrum and Mr. Puckett because generally speaking if you represent two clients you cannot take a position in litigation that is contrary to their position. Mr. Puckett and Mr. Landrum both feel like they, with some mutual agreement, information, knowledge and understanding, can proceed on this basis even though it is an extraordinary step for them to take. The rest of the document is self explanatory advised Mr. Puckett and asked if there were any question on the document?

Chairman Jenkins asked Mr. Puckett if he needed a motion to adopt the resolution. Mr. Puckett advised that if this is acceptable to the Commission he would ask for a motion from the Commission and the concurrence of the Secretary. Mr. Pol made a motion that the resolution be accepted. The motion was seconded by Mr. McCall and passed unanimously. Acting Secretary McInnis went on record saying that he has reviewed the document and it appear acceptable to him as well.

(The full text of the resolution is made a part of the record)

LOUISIANA WILDLIFE AND FISHERIES COMMISSION
RESOLUTION

WHEREAS, in the recent past there has been on instance wherein, because of differing policy positions, attorneys in the Legal Section found it necessary to recuse themselves from representing the Commission and the Department, and the Commission and the Department were required to seek independent outside counsel to represent each of them in litigation pending against the Commission and the Department, and

WHEREAS, it is the desire of the Commission and the Department to avoid this situation, where possible, in the future and to have their respective interests represented by attorneys in the Legal Section, and

WHEREAS, the Commission and the Department acknowledge that this is desirable to avoid the cost of retaining private attorneys, and

WHEREAS, the Commission and the Department recognize that their interests are better served through representation by in-house counsel who are familiar with the day-to-day operations of the Department and the Commission, and who have an inherent vested interest in seeking resolutions which are in the best interest of the Commission and the Department which is greater than that which could be expected from a retained private counsel, and

WHEREAS, the Chairman of this Commission and the Secretary of the Department have requested the General Counsel to explore a method by which attorneys in the Legal Section can represent both the Commission and the Department, and

WHEREAS, the General Counsel has presented the Commission and the Department with a proposed agreement which would, at least in some instances, accomplish this purpose.

THEREFORE, BE IT RESOLVED that the Commission does hereby adopt the following agreement with the concurrence of the Department as indicated below.

1. This policy shall apply to all matters of litigation wherein both the Commission and the Department are parties to said litigation.
2. In all such litigation, the Commission and the Department shall endeavor to eliminate any conflict of positions and to adopt a common position which can be represented by a single attorney.
3. In those instances where this is not possible, the Commission shall be represented by the General Counsel and the Department shall be represented by the Senior Attorney; provided, however, that a reversal of this representation can occur if it is deemed by both parties to be in their respective best interests, and both parties approve.
4. It is further acknowledged and understood that if the attorneys undertake the representation of the Commission and the Department respectively that they are bound to and will assert the position(s) of their client in that litigation to the best of their ability and in accordance with the Rules of Professional Conduct for Attorneys even though that position is contrary to the position of the other party.
5. It is expressly agreed and understood that the representation by the attorneys in the Legal Section

in accordance with the above arrangement and their efforts therein, shall not be used as the basis for any retaliation or disciplinary action by the Commission, the Department, or any of their members or staff.

6. It is expressly agreed and understood that in such an arrangement, the attorneys are ethically bound to maintain confidentiality of files and to avoid the use of common clerical personnel, and that in such situations, a means of separate confidential filing systems shall be provided as well as access to and use of individual clerical personnel.
7. It is further understood and agreed that the attorneys are bound by Rule 1.7 of the Rules of Professional Conduct and other rules to maintain loyalty to their respective clients, and to avoid conflicts of interest. In this regard it is acknowledged that it is the responsibility of each individual attorney to recuse himself if he believes that his representation will adversely affect his relationship with the other client.
8. It is, therefore, agreed and understood that each attorney shall retain the right to make the final decision as to whether representation in accordance with this arrangement is permissible even in those cases where the Commission and the Department have otherwise agreed to this arrangement.
9. In each such instance where the above arrangement is agreed to, a document shall be prepared setting out as specifically as possible the respective positions of the Commission and the Department and the attorney designated to represent each of them. This document shall be approved by formal resolution of the Commission and by the signature of the Secretary before representation takes place.
10. It is further agreed and acknowledged that in any instance wherein one or both attorneys have recused himself from representation of the Commission or the Department for ethical reasons, the Commission and/or Department, as the case may be, will seek representation from the Office of the Attorney General or from a private contract attorney.
11. In no instance will the Commission or the Department seek representation by attorneys in the Legal Section when the litigation involves claims asserted by the Department directly against the Commission

or by the Commission directly against the Department, or in cases where there exists a dispute between the Commission and the Department relating to division of regulatory or administrative powers between themselves and/or the right to exercise any such powers.

12. This resolution may be modified by a formal resolution of this Commission with the concurrence of the Secretary of the Department
13. This agreement may be terminated upon thirty (30) days written notice by the Commission or the Secretary of the Department to the other party.

Baton Rouge, Louisiana ____ day of _____, 1990.

APPROVED:

JIMMY JENKINS, CHAIRMAN
LOUISIANA WILDLIFE AND
FISHERIES COMMISSION

APPROVED:

A. KELL MCINNIS III
ACTING SECRETARY
LOUISIANA DEPARTMENT OF
WILDLIFE AND FISHERIES

The January 1991 and February 1991 Meeting Dates were set at the Friday's meeting. The January meeting was set for January 10-11, 1991 in Baton Rouge at the Wildlife and Fisheries Building. The February meeting was set for February 7-8, 1991 in Baton Rouge at the Wildlife and Fisheries Building.

Chairman Jenkins called for Other Business or Public Comments. Mr. Dean Blanchard, Grand Isle, addressed the Commission. Mr. Blanchard stated that last year he went to a meeting in New Orleans which was Commissioners Dale Vinet's last meeting, and a resolution was adopted to leave open from Belle Pass to east of the state the three mile line for the shrimpers. The shrimpers had the best

brown season that they have ever had commented Mr. Blanchard and asked why it was closing this year? Mr. Phil Bowman was asked to address the question. Mr. Bowman explained that this year the department went through a rather intense process in the formulation of its recommendation to the Commission for the closing of offshore waters for shrimping. This was presented to two particular groups of the Shrimp Task Force to get their input as to what their considerations and concerns may be relative to perspective dates. There was a sub-committee of the task force that was made up totally of fishermen who brought a recommendation to the full task force for their consideration. Both of these particular groups suggested and recommended that the season in the offshore water areas of the state be closed at the same time as the inshore areas. While there were some slight differences in dates they pretty much ended up in December for all areas of the coast. In addition a staff meeting was held with district biologists from across the state to get their input as well and it was the staff's recommendation that again when the season closed in the inshore waters that it be closed in the state's territorial sea, the rationale being if the shrimp right next to the island or in the passes were to small to harvest then with any type of tidal action or wind action those shrimp would end up on the beach and thus in the near offshore waters. It was felt that it would be in the best interest to close the territorial waters at the same time that the inshore waters were closed. Just recently Mr. Bowman had the opportunity to visit with a number of the district biologists in the central part of the coast and posed the question to them that with the additional month of data that they were able to look at would they still have the same recommendations that they did approximately a month ago to six weeks earlier? Their unanimous suggestion was yes advised Mr. Bowman. The reason that the department recommended to the Commission that the season be closed in the territorial waters on the dates that the Commission ultimately passed was that it was the department's opinion that there would be small white shrimp in those areas during those times or that possibility existed. Mr. Bowman advised Chairman Jenkins that the department's recommendation still stands and still feels that the Commission took the appropriate action as does the entire staff.

Mr. Blanchard stated that he does not agree with this, the department does not have any data to prove that the shrimp would be small and his records from last year show that the shrimp got bigger from January on. The smallest shrimp being caught were a 40/50 count and nothing close to the 80/100 count which was stated. It is not going to hurt that much closing it for the winter, but what is going to hurt is that the shrimpers will not be able to get the department/Commission to open the season up in time and will miss two or three weeks of good shrimping which they cannot afford stated Mr. Blanchard.

Mr. Blanchard stated that another thing he would like to address is what Mr. Jones was saying earlier about putting the shrimp dealers in jail. Mr. Jones stated no he did not say that, he said that it seemed like there was a conflict here of the way things were being done and knows that if you are in violation of the law you are not permitted a grace period in other processes, similar to the IRS, they mail you stuff and you have to abide by the law. Mr. Jones stated that his point is that he is suppose to know the law when he buys his hunting license and he presumes that Mr. Blanchard as a dealer is suppose to know the law as a dealer and he asked Mr. Blanchard if that was correct. Mr. Blanchard answered that we try. Mr. Jones stated answer yes or no. Mr. Blanchard answered we try to but we don't have time to come up here.....Mr. Jones asked if ignorance of the law was an excuse? Mr. Blanchard answered no it is not an excuse and he deals with the federal government and sends them all the stuff. The problem is the Wildlife and Fisheries are not sending the stuff that they need. Mr. Jones stated that if that is the problem he will see that the problem is resolved but his point was that it seems like there was a little bit of difference in the way violations were going to be handled and if you are wrong by the law in one situation you are written a citation but if you are wrong by the law in another situation you are permitted a grace period. Mr. Jones feels like this is an injustice to the law of saying what is right and what is wrong and whether or not a citation should be issued. Mr. Blanchard advised that if he would not have come here today he would have never known about this and he is the President of two companies, one in Belle Pass and one in Grand Isle and he handles twenty million dollars a year. Mrs. Blanchard at this time during the meeting advised that they have never received any papers from the department pertaining to this and she checks the mail every day. Mr. Jones stated that we are at a pretty big place that probably has the records and we can find out, and if we are at fault we need to be at fault that is the reason that we are doing what we are doing and that is the reason I understand. Mr. Blanchard stated that everybody says the fisherman is an outlaw. Mr. Jones stated that nobody is suspecting.....Mr. Blanchard stated that the fishermen are you number one conservationist and he is thirty years old and plans on being in this business another thirty years and he wants the shrimp and fish to still be there in thirty years. Mr. Blanchard advised that he was born and raised on the water and he has not had one wildlife and fisheries violation in his life and he wants to cooperate with the department. Mr. Jones stated that he appreciates this but did Mr. Blanchard understand what he was saying because he did not want any misrepresentation of.....Mr. Blanchard commented that if they come and tell us what they want, you know we will gladly help. Mr. Jones asked Mr. Blanchard if he understood what he was saying and wanted him to feel very comfortable in that which he was addressing. Mr. Blanchard answered yes and asked Mr. Jones if he understood where he was coming from. They are not getting the stuff to send back and if they would send it to him he would fill it out and send it.

Mr. Jones stated that Mr. Blanchard accused him of saying that he wanted to put all the shrimp processors in jail which was incorrect and he was trying to get clarification of the law of a violation whether a citation would be written and he wanted Mr. Blanchard to acknowledge this because he did not want to be misrepresented down in the bayou. Mr. Blanchard stated that he understood Mr. Jones' point and everybody should send the forms back if they get them. Mr. Jones stated that it is the law and thanked Mr. Blanchard.

Chairman Jenkins asked if there were any other public comments. Mr. Foret advised Mr. Blanchard that if he has problem with his mail, etc. from the Wildlife and Fisheries he would be glad to hand deliver it to his place if he would rather have it that way then having it lost through the mail. Mr. Blanchard answered that they are not having problems losing it through the mail, they are just not putting it in.

There being no other business from the Commissioners and the public Chairman Jenkins called for a motion for adjournment. Mr. Pol made a motion that the December 1990 Commission meeting be adjourned. The motion was seconded by Mr. Vujnovich and passed unanimously. Chairman Jenkins announced that there would be no meeting tomorrow as the agenda was finished today.



A. Kell McInnis III
Acting Secretary

AKM:sb

AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LOUISIANA
DECEMBER 6-7, 1990

alic. 6

- Page #1, machine #11* 1. Roll Call
- #1, #32* 2. Approval of Minutes of November 1-2, 1990
- #1, #37* 3. Ratification of Alligator Harvest Rules and Regulations - Tommy Prickett
- #1, #64* 4. Fox/Coyote Pens - Non-substantive Change - Tommy Prickett
- #1, #117* 5. Resolution and Notices of Intent - Free Recreational Fishing Days (Freshwater and Saltwater) - Paul Jackson
- #1, #161* 6. Louisiana Conservationist T.V. Magazine - Wade Byrd
- #1, #359* 7. Ratification of Jewfish Rule - Jerry Clark
- #1, #388* 8. Marine Finfish Budget - Jerry Clark
- Machine B #2, #5* 9. Proposed Notice of Intent - Freshwater Fish/Head and Caudal Fin Intach (Filet) Rule - Jerry Clark
- #2, #465* 10. Alligator Program Update - Tommy Prickett
- Machine A #3, #5* 11. Law Enforcement Monthly Report/November - Winton Vidrine
- #3, #307* 12. Acting Secretary's Report to the Commission - Kell Cook
Machine B #4, #5 McInnis
- #4, #120* 13. Set January 1991 and February 1991 Meeting Dates
#4, 559 1/10/91 2/28/91

Machine B #560
Machine A #05, tape #5 OTHER BUSINESS:

PUBLIC COMMENTS: *#4, #576*

COMMISSION MEETING
ROLL CALL
December 6-7, 1990
Baton Rouge, LA

	Thursday	Friday
Jimmy Jenkins (Chairman)	<u>✓</u>	<u> </u>
Houston Foret	<u>✓</u>	<u> </u>
	<u>✓</u>	<u> </u>
Bert Jones	<u>✓</u>	<u> </u>
Norman McCall	<u>✓</u>	<u> </u>
Warren Pol	<u>✓</u>	<u> </u>
Jess Schneider	<u>✓</u>	<u> </u>
Peter Vujnovich	<u>✓</u>	<u> </u>

Mr. Chairman:

(Thursday)

There are 7 Commissioners in attendance and we have a quorum.

Acting Secretary Kell McInnis is also present.

(Friday)

There are Commissioners in attendance and we have a quorum.

Acting Secretary Kell McInnis is also present.

RESOLUTION

DEPARTMENT OF WILDLIFE AND FISHERIES
WILDLIFE AND FISHERIES COMMISSION

WHEREAS, Sportfishing provides recreation for more than sixty million Americans of all ages, giving families a healthy, shared outdoor activity, and

WHEREAS, Sportfishing, through the payment of millions of dollars annually for licenses, taxes and fees, has provided the funding for federal and state programs that contribute significantly to the preservation and protection of our natural environment, and

WHEREAS, The estimated 800,000 plus sportfishermen in Louisiana contribute in excess of one billion dollars annually to our economy, and

WHEREAS, Act 301 of the 1987 Louisiana Legislature authorizes the Louisiana Wildlife and Fisheries Commission to declare no more than two free recreational fishing days each year, and

WHEREAS, Free Fishing Days during National Fishing Week would provide an excellent opportunity to introduce additional individuals to the wholesome outdoor activity of fishing.

NOW THEREFORE BE IT RESOLVED, That we the undersigned members of the Louisiana Wildlife and Fisheries Commission do hereby officially adopt this resolution and attached notices of intent for freshwater and saltwater fishery declaring the weekend of the first full week of June each year as Free Recreational Fishing Days in the State of Louisiana,

BE IT FURTHER RESOLVED, That during these two days residents and non-residents may exercise the privileges of a licensed recreational fisherman without purchase of the any

otherwise necessary recreational fishing license.

BE IT FURTHER RESOLVED, That the Louisiana Wildlife and Fisheries Commission does hereby authorize and delegate to the Secretary of the Department of Wildlife and Fisheries, the authority to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to the filing of the Fiscal and Economical Impact Statements, the filing of the Notice of Intent and preparation of reports and correspondence to other agencies of government.


Jimmy Jenkins, Chairman
Warren I. Pol
Norman F. McCall

Bert Jones
Pete Vujnovich
Houston Foret

A. Kell McInnis III
Acting Secretary



Jimmy Jenkins
Chairman



A. Kell McInnis III
Acting Secretary

December 6, 1990


RESOLUTION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

THE FOLLOWING WAS ADOPTED BY THE LOUISIANA WILDLIFE AND FISHERIES COMMISSION AT ITS REGULAR MEETING HELD IN BATON ROUGE, 6 DECEMBER 1990.

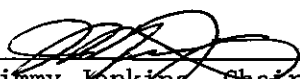
WHEREAS, The Louisiana Department of Wildlife and Fisheries in accordance with R.S. 56:260, 262, 262.1 and 262.2 has the authority to promulgate rules and regulations governing all aspects of the harvest of wild alligators, alligator eggs, raising and propagation of farmed alligators and the selling of hides, alligator parts and farm raised alligators, and

WHEREAS, the attached rule has been promulgated in accordance with all provisions of the Administrative Procedures Act including a Notice of Intent authorized by the Louisiana Wildlife and Fisheries Commission during its regular meeting on July 5, 1990 and published in the State Register on August 20, 1990, now

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission hereby finally adopts regulations governing the harvest, sale, and propagation of alligators.



A. Kell McInnis, III, Acting
Secretary, La. Dept. of
Wildlife and Fisheries



Jimmy Jenkins, Chairman
La. Wildlife and Fisheries
Commission

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

RESOLUTION

WHEREAS, in the recent past there has been one instance wherein, because of differing policy positions, attorneys in the Legal Section found it necessary to recuse themselves from representing the Commission and the Department, and the Commission and the Department were required to seek independent outside counsel to represent each of them in litigation pending against the Commission and the Department, and

WHEREAS, it is the desire of the Commission and the Department to avoid this situation, where possible, in the future and to have their respective interests represented by attorneys in the Legal Section, and

WHEREAS, the Commission and the Department acknowledge that this is desirable to avoid the cost of retaining private attorneys, and

WHEREAS, the Commission and the Department recognize that their interests are better served through representation by in-house counsel who are familiar with the day-to-day operations of the Department and the Commission, and who have an inherent vested interest in seeking resolutions which are in the best interest of the Commission and the Department which is greater than that which could be expected from a retained private counsel, and

WHEREAS, the Chairman of this Commission and the Secretary of the Department have requested the General Counsel to explore a method by which attorneys in the Legal Section can represent both the Commission and the Department, and

WHEREAS, the General Counsel has presented the Commission and the Department with a proposed agreement which would, at least in some instances, accomplish this purpose.

THEREFORE, BE IT RESOLVED that the Commission does hereby adopt the following agreement with the concurrence of the Department as indicated below.

1. This policy shall apply to all matters of litigation wherein both the Commission and the Department are parties to said litigation.
2. In all such litigation, the Commission and the Department shall endeavor to eliminate any conflict of positions and to adopt a common position which can be represented by a single attorney.
3. In those instances where this is not possible, the Commission shall be represented by the General Counsel and the Department shall be represented by the Senior Attorney; provided, however, that a reversal of this representation can occur if it is deemed by both parties to be in their respective best interests, and both parties approve.
4. It is further acknowledged and understood that if the attorneys undertake the representation of the Commission and the Department respectively that they are bound to and will assert the position(s) of their client in that litigation to the best of their ability and in accordance with the Rules of Professional Conduct for Attorneys even though that position is contrary to the position of the other party.
5. It is expressly agreed and understood that the representation by the attorneys in the Legal Section in accordance with the above arrangement and their efforts therein, shall not be used as the basis for any retaliation or disciplinary action by the Commission, the Department, or any of their members or staff.


6. It is expressly agreed and understood that in such an arrangement, the attorneys are ethically bound to maintain confidentiality of files and to avoid the use of common clerical personnel, and that in such situations, a means of separate confidential filing systems shall be provided as well as access to and use of individual clerical personnel.
7. It is further understood and agreed that the attorneys are bound by Rule 1.7 of the Rules of Professional Conduct and other rules to maintain loyalty to their respective clients, and to avoid conflicts of interest. In this regard it is acknowledged that it is the responsibility of each individual attorney to recuse himself if he believes that his representation will adversely affect his relationship with the other client.
8. It is, therefore, agreed and understood that each attorney shall retain the right to make the final decision as to whether representation in accordance with this arrangement is permissible even in those cases where the Commission and the Department have otherwise agreed to this arrangement.
9. In each such instance where the above arrangement is agreed to, a document shall be prepared setting out as specifically as possible the respective positions of the Commission and the Department and the attorney designated to represent each of them. This document shall be approved by formal resolution of the Commission and by the signature of the Secretary before representation takes place.
10. It is further agreed and acknowledged that in any instance wherein one or both attorneys has recused himself from representation of the Commission or the Department for ethical reasons, the Commission

and/or the Department, as the case may be, will seek representation from the Office of the Attorney General or from a private contract attorney.

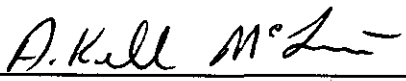
11. In no instance will the Commission or the Department seek representation by attorneys in the Legal Section when the litigation involves claims asserted by the Department directly against the Commission or by the Commission directly against the Department, or in cases where there exists a dispute between the Commission and the Department relating to division of regulatory or administrative powers between themselves and/or the right to exercise any such powers.
12. This resolution may be modified by a formal resolution of this Commission with the concurrence of the Secretary of the Department.
13. This agreement may be terminated upon thirty (30) days written notice by the Commission or the Secretary of the Department to the other party.

Baton Rouge, Louisiana this 6th day of December, 1990.

APPROVED:


JIMMY JENKINS, CHAIRMAN
LOUISIANA WILDLIFE AND
FISHERIES COMMISSION

APPROVED:


A. KELL MCINNIS, III
ACTING SECRETARY
LOUISIANA DEPARTMENT OF
WILDLIFE AND FISHERIES

AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LOUISIANA
DECEMBER 6-7, 1990

- ✓ 1. Roll Call
- ✓ 2. Approval of Minutes of November 1-2, 1990
- ✓ 3. Ratification of Alligator Harvest Rules and Regulations - Tommy Prickett
- ✓ 4. Fox/Coyote Pens - Non-substantive Change - Tommy Prickett
- ✓ 5. Resolution and Notices of Intent - Free Recreational Fishing Days (Freshwater and Saltwater) - Paul Jackson
- ✓ 6. Louisiana Conservationist T.V. Magazine - Wade Byrd
- ✓ 7. Ratification of Jewfish Rule - Jerry Clark
- ✓ 8. Marine Finfish Budget - Jerry Clark
- out ✓ 9. Proposed Notice of Intent - Freshwater Fish/Head and Caudal Fin Intach (Filet) Rule - Jerry Clark
- ✓ 10. Alligator Program Update - Tommy Prickett
- ✓ 11. Law Enforcement Monthly Report/November - Winton Vidrine
- ✓ 12. Acting Secretary's Report to the Commission - Kell McInnis
13. Set January 1991 and February 1991 Meeting Dates

OTHER BUSINESS:

PUBLIC COMMENTS:

Louisiana



Oyster Dealers & Growers Assn.

P.O. BOX 826

GRAND ISLE, LOUISIANA 70358
November 28, 1990

Mr. A. Kell McInnis, III, Acting-Secretary
Louisiana Dept. of Wildlife & Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000

Dear Secretary McInnis:

We are disturbed about the recent actions taken by your department relative to our industry. More concerning is the lack of working with the Oyster Task Force concerning these actions!

The Oyster Task Force exists, by legislative action, to address the many pressing issues affecting our oyster industry. We request that the following issues be brought before the Oyster Task Force on December 11th in Baton Rouge.

- 1) the November 12th closing of the Public Oyster Seed Grounds east of the Mississippi River for taking of seed oysters for bedding, while leaving the grounds open for sacking. The taking of oysters 3 inches and larger for sacking has an adverse impact on natural reefs, contrary to your department's news release;
- 2) a report on the activities of the Oyster Strike Force and its lack of availability to enforce closures, particularly during this holiday season when oysters are in more demand, and;
- 3) the recent notice to oyster leasees concerning the shell planting and marking of leases. This action is commendable, however, there are several ramifications that need to be considered prior to such action.

There are other issues that need to be addressed soon by the task force. Research is needed concerning oyster spatfall and recruitment failures on the state's seed grounds during the spring. We commend your desire to recodify Title 56. The task force would be happy to assist you in this effort with the oyster laws.

We hope that you and Dr. Clark can attend this task force meeting.

Respectfully,

William Kass, IV

William Kass, IV
President

WK:jes

cc: Commissioner Jenkins

LAW OFFICES OF
STOCKWELL, SIEVERT, VICCELLIO, CLEMENTS & SHADDOCK

OLIVER P. STOCKWELL
CHARLES D. VICCELLIO
ROBERT W. CLEMENTS
WILLIAM E. SHADDOCK
EMMETT C. SOLE
JOHN S. BRADFORD
BERNARD H. McLAUGHLIN, JR.
STEPHEN C. POLITO
ROBERT S. DAMPF
WILLIAM B. MONK
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THOMAS G. HENNING
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ONE LAKESIDE PLAZA 70601
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LAKE CHARLES, LOUISIANA

SHARON E. McCAULEY
PAUL L. VEAZEY, JR.
DAVID L. BATEMAN
KEVIN T. SEAL
JAMES A. BLANCO
BRIAN L. COODY

December 3, 1990

FRED H. SIEVERT, JR. (1923-1988)

Mr. Chad Manual and
Mr. Malcolm Hebert
Louisiana Department of Wildlife and Fisheries
Enforcement Division
Region V
1243 North Lakeshore Drive
Lake Charles, LA 70601

Gentlemen:

As Terry Shaughnessy would say, "You should have been there yesterday!" Florida "mullet fishermen" have invaded Calcasieu Lake. Armed with flat bottomed boats with tuna towers and long netting skiffs with an elevated bow pulpit, among many other types of netting boats, as well as a yellow fiberglass outboard in the 18 foot range, these foreign fishermen were strike netting, not only trout but also redfish. The entire south end of Calcasieu Lake from Grand Bayou to the Old River south of the revetment and again along the southwest corner of Calcasieu Lake, were lined with row after row of gill nets set from the shore out to 20 or 30 yards from shore. The visible nets were later removed, but I ran over one net set underwater with no visible floats. Mary Poe and Phil Ribbeck witnessed one of these netters loading several hundred redfish in his boat. I watched the netter with the elevated pulpit boat strike a school of fish right next to shore, just east of No Name Bayou, and watched him pile a mountain of fish in the boat without even removing them from the net. I wish one of you could have been there checking these netters. I don't know if you are paid to work on Saturdays and Sundays, but these netters are out there and they don't have to wait for the cover of nasty weather in order to net these fish; they are doing it right out in the open on a beautiful Sunday afternoon while most people are eating dinner and watching the football games. Our redfish are being plundered, fellows, and these netters don't care a thing about the future. They'll net the very last redfish alive.

Guides Jeff and Mary Poe and Terry Shaughnessy tell me these netters come out in droves the day before a front, like yesterday, and again two to three days after the front has passed. They also come during duck season when you are checking hunters. If you have

STOCKWELL, SIEVERT, VICCELLIO, CLEMENTS & SHADDOCK

Mr. Chad Manual and
Mr. Malcolm Hebert
December 3, 1990
Page 2

limited hours you can work and still get paid by the State, I urge you to try to modify your working hours so that you could be at Big Lake checking these thieves while they are in the act of stealing our redfish. In 1989, I saw the enforcement agents out checking sport fishermen, at least, on numerous occasions. I fish virtually every weekend, sometimes Saturday and Sunday, and I have not seen you even one time this year. The only way to catch these illegal netters is to get out there in the field, and at the time they are doing the netting. I hope you can stop some of this before it is too late.

Sincerely,



William E. Shaddock

WES/jh

cc: Mr. Kel McInnis
Mr. Jerry Clark
The Honorable Buddy Roemer
Representative Randall E. Roach
Representative Vic Stelly
Mr. Norman McCall
Mr. Warren Pol
✓ Mr. James H. Jenkins, Jr.
Mr. Burt Jones
Jeff and Mary Poe
Mr. Terry Shaughnessy
Mr. Phil Ribbeck

Senator Jack Doland

To <i>Jimmy Jenkins</i>	From <i>Paula</i>
Co.	Co. <i>LDWF</i>
Dept.	Phone # <i>765 2803</i>
Fax # <i>927 0204</i>	Fax # <i>765 2607</i>

TE

LOUISIANA

12-4-90

JOE McPHERSON

State Senator
District 29
Parish of Rapides
Wards 1-9

November 7, 1990

Louisiana Wildlife and Fisheries Commission
P. O. Box 98000
Baton Rouge, LA 70898

Mr. Jenkins -

*Original letter from
Joe McPherson that
Paula faked to you.*

Shayne

Dear Commission Members:

A letter written by Mr. Morris Jones and addressed to the Commission members has come to my attention. I feel compelled to respond.

I was invited to attend a meeting on October 7th to discuss the closure of a section of Rapides Parish to dog hunting for deer entirely and the reduction of the Kisatchie National Forest season. Attending were State Representative Charles Dewitt, an aide of Congressman Clyde Holloway and approximately 75-100 hunters concerned with the cutbacks. In my trying to prepare for the meeting, I contacted the regional LDW&F office and asked how the area came to be closed without the general public's knowledge. I was supplied with copies of letters from landowners and others written to the regional biologist requesting that the area be closed to dog hunting for deer. This information was requested and furnished to one of the attendees under the freedom of information act, but there were no copies passed out at the meeting on October 7th.

I will not be redundant as far as my statements to the Commission on the subject except to reiterate that I feel it would have been prudent to allow the Deer Season Advisory Committee to study this area and make a recommendation.

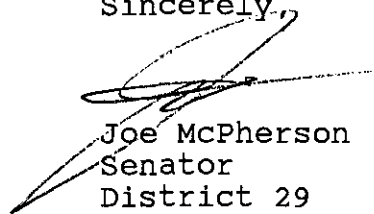
The problem, as I stated, was not with the landowners who requested the closure, but the fact that the letters were solicited by an employee(s) of the Department who had a personal interest in the closure. Mr. Jones indicated in his letter that there has been retaliation against the landowners who requested the closure. He even indicated that two of those suspected were with me at the commission meeting when the subject was on the agenda. The only person I attended the meeting with was a legislative aide, who I don't think Mr. Jones is referring to. Such acts as Mr. Jones describes are wrong and I am requesting

Members, Wildlife and Fisheries Commission
November 7, 1990
Page 2

the Rapides Parish Sheriff's Office to contact Mr. Jones and fully investigate this matter so that any perpetrators of these alleged serious criminal acts may be brought to justice.

I appreciate your dedication to the management of our wildlife and fisheries resources.

Sincerely,



Joe McPherson
Senator
District 29

Enclosure: 1

JM/va



SENATE
STATE OF LOUISIANA

JOE McPHERSON

State Senator

District 29

Parish of Rapides

Wards 1-9

November 7, 1990

708 Main Street
Pineville, Louisiana 71360
(318) 487-5685
FAX: (318) 445-8245

COMMITTEES:

Agriculture

Finance

Health & Welfare,
Vice Chairman

Transportation, Highways
and Public Works

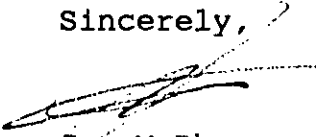
Honorable Grady L. Kelley
Sheriff, Parish of Rapides
Post Office Box 1510
Alexandria, LA 71309

Dear Sheriff:

Enclosed is a copy of a letter from Mr. Morris Jones to the members of the Louisiana Wildlife and Fisheries Commission. In his letter, Mr. Jones makes numerous allegations of serious criminal acts.

I would appreciate your thorough investigation of these allegations and a response as to the disposition of your findings.

Sincerely,


Joe McPherson
Senator
District 29

xc: Wildlife and Fisheries Commission
Mr. Hugh Bateman

Enclosure

JM/va

ENFORCEMENT CASE REPORT

NOVEMBER 1990

ENFORCEMENT CASE REPORT-NOVEMBER 1990

REGION I

TOTAL CASES-120

ENFORCEMENT-116

OTHER - 4

10-Boating

3-Angling W/O A License

1-Take Undersize Black Bass

6-Hunting W/O Resident License

2-Hunting W/O Non-Resident License

10-Hunting From Moving Vehicle And/Or Aircraft

1-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours

12-Hunt Or Discharge Firearm From Public Road Or Road Right-Of-Way

4-Hunt W/O Resident Big Game License

12-Hunt Or Take Deer Or Bear Illegal Hours

5-Hunt Or Take Deer From Public Road

5-Hunt Or Take Illegal Deer O/S

1-Poss. Of Untagged Deer Or Bear

5-Field Poss. Of Deer Meat W/O Tag

8-Fail To Maintain Sex Identification

5-Fail To Wear Hunters Orange

1-Hunting Ducks Or Geese Without Federal Stamp

2-Hunting MGB Illegal Hours

2-Hunting MGB From Moving Motorboat

2-Possession Of Completely Dressed MGB (No Wing Tip Left On)

5-Using Lead Shot In Area Designated As Steel Shot Only

7-Not Abiding By Rules And Regulations ON WMA

1-Possess Of Illegal Type Firearms

Page (2)

REGION I CONT'D.

1-Illegal Spotlighting From Public Road

1-DWI

2-Other Than Wildlife And Fisheries

2-Trespass On Property After Forbidden

5-Operate ATV Vehicle On Public Road

CONFISCATIONS:

6 woodducks, deer meat (1 rib, 1 shoulder, 1 backbone and neck)

12 deer, 1 deer heart and liver, 2 hind quarters of deer, 1 back strap of deer,
ice chest with deer meat, 1 spotlight, 1 pistol, 2 ruddy ducks, 1 model 742
Remington, 1-6.5mm military rifle, 5 dressed ducks, 1 Winchester 30/30 rifle, 1
Remington model 700 bolt action.

REGION 2

TOTAL CASES-106

ENFORCEMENT-106

OTHER - 0

15-Boating

3-Angling W/O A License

6-Fish Without Resident Pole License

1-Transport W/O Required License

6-Hunting W/O Resident License

1-Hunting W/O Non-Resident License

2-Hunting From Moving Vehicle And/Or Aircraft

1-Hunting W/Unplugged Gun Or Silencer

2-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours

1-Hunt Or Discharge Firearm From Public Road Or Road Right-Of-Way

9-Hunt W/O Resident Big Game License

Page (3)

REGION 2 CONT'D.

- 2-Hunt Deer Closed Area
- 2-Hunt Or Take Deer From Public Road
- 16-Hunt Or Take Illegal Deer O/S
- 4-Poss. O/L Of Deer Or Bear
- 2-Poss. Of Illegally Taken Deer Or Bear
- 2-Field Poss. Of Deer Meat W/O Tag
- 2-Fail To Maintain Sex Identification
- 6-Fail To Wear Hunters Orange
- 2-Hunting Ducks Or Geese Without Federal Stamp
- 2-Hunting MGB With Unplugged Gun
- 12-Not Abiding By Rules And Regulations On WMA
- 1-Criminal Trespass
- 1-DWI
- 4-Other Than Wildlife And Fisheries
- 1-Operate ATV Vehicle On Public Road

CONFISCATIONS:

6 1/2 deer.

REGION 3

TOTAL CASES-236

ENFORCEMENT-186

OTHER - 50

- 7-Boating
- 3-Hunting W/O Non-Resident License
- 18-Hunting From Moving Vehicle And/Or Aircraft
- 8-Hunting W/Unplugged Gun Or Silencer
- 2-Illegal Poss. Of Wild Quadrupeds, Wild Birds, Or Parts Thereof

REGION 3 CONT'D.

- 3-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours
- 15-Hunt Or Discharge Firearm From Public Road Or Road Right-Of-Way
- 5-Hunt MGB Without State Stamp
- 4-Hunt Deer Closed Area
- 7-Hunt Or Take Deer Or Bear Illegal Hours
- 1-Hunt Or Take Deer Or Bear C/S
- 2-Hunt Or Take Deer From Public Road
- 5-Hunt Or Take Illegal Deer O/S
- 1-Poss. Of Illegally Taken Deer Or Bear
- 11-Poss. Of Untagged Deer Or Bear
- 29-Field Poss. Of Deer Meat W/O Tag
- 3-Fail To Maintain Sex Identification
- 11-Fail To Wear Hunters Orange
- 3-Hunt Turkey W/Recorder Or Electrical Device
- 5-Hunting Ducks Or Geese Without Federal Stamp
- 2-Hunting With Unsigned Duck Stamp
- 1-Hunting MGB Illegal Hours
- 1-Possess Untagged MGB
- 5-Possession Of Completely Dressed MGB
- 7-Using Lead Shot In Area Designated As Steel Shot Only
- 3-Goose Creeping
- 3-Possession Of Live MGB
- 7-Possession Of Overlimit Of Ducks
- 43-Not Abiding By Rules And Regulations On WMA
- 2-Theft Of Livestock

Page (5)

REGION 3 CONT'D.

2-Littering

1-Operate ATV Vehicle On Public Road

8-Hunting Without Resident License

1-Hunt MGB Without State Stamp

6-Hunt W/O Resident Big Game License

1-Hunt Deer Closed Area

CONFISCATIONS:

56 ducks, 1 goose, 1 otter, 9 deer, 6 rifles, 1 shotgun, 1 electronic call, headlights.

REGION 4

TOTAL CASES-112

ENFORCEMENT-71

OTHER -41

1-Boating

3-Angling W/O A License

1-Fish Without Resident Pole License

1-Use Gear W/O Recreational Gear License

4-Hunting W/O Resident License

1-Hunting W/O Non-Resident License

6-Hunting From Moving Vehicle And/Or Aircraft

5-Hunting W/Unplugged Gun Or Silencer

6-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours

6-Hunt Or Discharge Firearm From Public Road Or Road Right-Of-Way

2-Hunt W/O Resident Big Game License

1-Hunt W/O Non-Res. Big Game License

4-Hunt Or Take Deer Or Bear Illegal Hours

Page (6)

REGION 4 CONT'D.

4-Hunt Or Take Illegal Deer O/S

1-Poss. Of Illegally Taken Deer Or Bear

2-Poss. Of Untagged Deer Or Bear

1-Fail To Wear Hunters Orange

1-Take Foxes Or Bobcats Illegally

4-Hunting Ducks Or Geese Without Federal Stamp

1-Hunting MGB With Unplugged Gun

2-Hunting MGB Illegal Hours

3-Field Possession Of Freshly Killed MGB Closed Season

2-Using Lead Shot In Area Designated As Steel Shot Only

2-Possess Over Limit Of Ducks

2-Hunt MGB Without State Stamp

43-Not Abiding By Rules And Regulations On WMA

2-Other Than Wildlife And Fisheries

1-Operate ATV Vehicle On Public Road

CONFISCATIONS:

16 deer, 8 squirrels, 1 rabbit, 1 bobcat, 8 ducks, 4 shotguns and 2 rifles.

REGION 5

TOTAL CASES-230

ENFORCEMENT-219

OTHER -11

42-Boating

13-Angling W/O A License

2-Fail To Have Commercial License In Possession

1-Take Or Sell Commercial Fish Or Bait Species W/O Commercial License

1-Take Or Possess Commercial Fish Without A Vessel License

Page (7)

REGION 5 CONT'D.

- 2-Take Or Possess Undersize Commercial Fish
- 1-Possess Crabs In Berry Stage
- 1-Fail To Have Commercial Fish Intact
- 1-Take Or Possess Undersize White Shrimp
- 2-Taking Oysters From Unapproved Area
- 2-Take Undersize Oysters From Natural Reef
- 1-Take Oysters Closed Season
- 2-Hunting W/O Resident License
- 2-Hunting From Moving Vehicle And/Or Aircraft
- 3-Hunting W/Unplugged Gun Or Silencer
- 2-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours
- 3-Hunt Or Discharge Firearm From Public Road Or Road Right-Of-Way
- 3-Hunt MGB Without State Stamp
- 2-Hunt W/O Resident Big Game License
- 2-Running Deer Dogs During Still Hunt Season
- 2-Poss. O/L Of Deer Or Bear
- 1-Poss. Of Untagged Deer Or Bear
- 2-Field Possession Of Deer Meat W/O Tag
- 4-Fail To Wear Hunters Orange
- 7-Hunting Ducks Or Geese Without Federal Stamp
- 1-Hunting MGB With Unplugged Gun
- 19-Hunting MGB Illegal Hours
- 7-Hunting MGB Over Baited Area
- 1-Possess Untagged MGB
- 1-Field Possession Of Freshly Killed MGB Closed Season

Page (8)

REGION 5 CONT'D.

13-Using Lead Shot In Area Designated As Steel Shot Only

2-Possess Over Limit Of Geese

12-Possess Over Limit Of Ducks

1-Hunting Woodcocks Closed Season

4-Hunt MGB Without State Stamp

58-Not Abiding By Rules And Regulations On WMA

2-Illegal Possession Of Drugs Or Marijuana

2-Littering

CONFISCATIONS:

93 ducks, 2 rabbit, 1 deer, 1,381 lbs. of shrimp, 2 geese, 1 woodcock.

REGION 6

TOTAL CASES-149

ENFORCEMENT-126

OTHER - 23

42-Boating

14-Angling W/O A License

6-Fishing Without Resident Pole License

2-Take Game Fish Illegally

1-Fail To Have Commercial License In Possession

2-Use Illegal Mesh Nets

2-Take Or Possess Undersize White Shrimp

21-Hunting W/O Resident License

1-Poss. Wild Birds Or Wild Quadrupeds W/O A License

1-Bow Hunt W/O Bow License

2-Hunting From Moving Vehicle And/Or Aircraft

6-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours

REGION 6 CONT'D.

- 2-Hunt Or Discharge Firearm From Levee Road
- 1-Possession Of Wild Quadrupeds Or Wild Birds Without Permit
- 2-Hunt MGB Without State Stamp
- 3-Hunt W/O Resident Big Game License
- 1-Hunt Deer Closed Area
- 4-Field Poss. Of Deer Meat W/O Tag
- 2-Deface/Destroy DMAP Signs
- 2-Take Over Limit Of Raccoons Or Opossums
- 1-Hunting Ducks Or Geese Without Federal Stamp
- 1-Hunting With Unsigned Duck Stamp
- 3-Hunting MGB Illegal Hours
- 2-Hunting MGB Over Baited Area
- 3-Hunting MGB From Moving Motorboat
- 2-Using Lead Shot In Area Designated As Steel Shot Only
- 1-Possess Over Limit Of Ducks
- 19-Not Abiding By Rules And Regulations On WMA

CONFISCATIONS:

1 deer released in Sherburne WMA, 2 deer shoulders, 4 raccoons , 30 lbs. undersize white shrimp, 50 lbs. white shrimp, 1 squirrel, 7 white bass, 1 channel catfish, 1-50 feet of gill net, 8 coots , 1 deer hind leg, 6 wood ducks, 5 ducks, 1 rifle, 30 eel catfish.

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REGION 7

TOTAL CASES-172

ENFORCEMENT-172

OTHER - 0

23-Boating

26-Angling W/O A License

3-Fish Without Resident Pole License

1-Take Game Fish Illegally

1-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License

1-Use Illegal Mesh Nets

1-Sell And /Or Purchase Game Fish

1-Use Illegal Lead Nets In Saltwater Area

12-Hunting W/O Resident License

8-Hunting W/Unplugged Gun Or Silencer

3-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours

8-Hunt Or Discharge Firearm From Public Road Or Road Right-Of-Way

3-Hunt MGB Without State Stamp

7-Hunt W/O Resident Big Game License

2-Hunt W/O Non.-Res. Big Game License

3-Hunt Deer Closed Area

1-Hunt Or Take Deer Or Bear C/S

6-Hunt Or Take Deer Or Bear Illegal Hours

2-Hunt Or Take Illegal Deer O/S

1-Poss. O/L Of Deer Or Bear

1-Poss. Of Illegally Taken Deer Or Bear

1-Poss. Of Untagged Deer Or Bear

2-Fail To Maintain Sex Identification

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REGION 7 CONT.D

10-Fail To Wear Hunters Orange

3-Hunting Ducks Or Geese Without Federal Stamp

7-Hunting MGB Illegal Hours

4-Not Abiding By Rules And Regulations On WMA

17-Criminal Trespass

1-DWI

1-Illegal Spotlighting From Public Road

2-Littering

9-Other Than Wildlife And Fisheries

1-Criminal Mischief

1-Flight From An Officer

CONFISCATIONS:

1 doe, 3 deer, 1 spotted fawn, 6 woodducks, 1 white perch, 10 pieces deer meat, 1 gill net, 6 rifles, 1 pistol/holster, 5 shotguns, 1 spotlight.

REGION 8

TOTAL CASES-317

ENFORCEMENT-212

OTHER -105

52-Boating

33-Angling W/O A License

20-Angling W/O Saltwater License

5-Take Game Fish Illegally

2-Taking/Poss. Over Limit Or Undersized Gamefish

5-Poss. O/L Of Red Drum

2-Fail To Have Fish Intact

3-Take Or Possess Undersized Red Drum

PAGE (12)

REGION 8 CONT.D.

- 7-Take Or Possess Undersized Spotted Sea Trout
- 24-Take Or Possess Undersized Black Drum
- 3-Poss. O/L Spotted Sea Trout
- 7-Not Abiding By Commission Rules And Regulations
- 3-Fail To Have Commercial License In Possession
- 7-Take Or Sell Commercial Fish Without A Vessel License
- 11-Take Commercial Fish W/O Commercial Gear License
- 9-Take Or Possess Commercial Fish Without A Vessel License
- 1-Use Illegal Mesh Nets
- 3-Take Or Possess Undersize Commercial Fish
- 2-Blocking Passage Of Fish
- 1-Allow Another To Use Commercial License
- 2-Permit Unlicensed Person To Operate Commercial Vessel
- 1-Permit Unlicensed Person To Use Commercial Gear
- 11-Take/Possess Oysters Without Oyster Harvester License
- 2-Use Illegal Length Nets
- 3-Take/Possess Undersized Black Drum Commercial
- 1-Possess Or Sell Undersized Crabs
- 1-Fail To Comply With Shark Permit And Report Rules
- 4-Trawling Inside Waters W/Oversized Double Rig (Over 25')
- 1-Failure To Have Written Permission
- 1-Unlawfully Take Oysters From State Water Bottoms
- 1-Taking Oysters From Unapproved Area
- 4-Unlawfully Take Oysters Off A Private Lease
- 1-Unlawful Removal Of Signs From Leased Areas

REGION 8 CONT.D.

6-Trawling In Closed Or Restricted Areas Of Lake Ponchartrain

1-Harvest Oysters Without Oyster Harvester License

3-Fail To Cull Oysters In Proper Location

8-Hunting W/O Resident License

1-Failure To Abide By Commission Rules

1-Hunting From Moving Vehicle And/Or Aircraft

1-Hunting W/Unplugged Gun Or Silencer

3-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours

1-Hunt Or Discharge Firearm From Public Road Or Road Right-Of-Way

5-Hunt MGB Without State Stamp

1-Hunt W/O Resident Big Game License

4-Fail To Wear Hunters Orange

5-Hunting Ducks Or Geese Without Federal Stamp

2-Hunting With Unsigned Duck Stamp

3-Hunting MGB With Unplugged Gun

2-Hunting MGB Illegal Hours

8-Hunting MGB From Moving Motorboat

14-Using Lead Shot In Area Designated As Steel Shot Only

2-Taking Grebe-No Season

2-Taking Or Possession Of Other Non-Game Birds-No Season

2-Criminal Trespass

3-Littering

2-Other Than Wildlife And Fisheries

3-Trespass On Property After Forbidden

Page (14)

REGION 8 CONT'D.

CONFISCATIONS:

1 doe deer, 1 rabbit, 48 coots, 53 ducks, 2 gallinule, 2 grebe, 113 speckled trout, 116 black drum, 84 whole redfish and 3 1/2 lbs. of redfish, 807 lbs. of eel catfish, 13 black bass and 24 striped bass, 9 white trout, 8 mullet, 4 catfish, 2 sheephead, 1761 lbs. of catfish, 289 lbs. shrimp, 5787 lbs. of shark, 181 lbs. of shark fin, 101 lbs. of flounder, 160 lbs. of black drum, 446 lbs. of sheephead, 195 lbs. of blue tuna, 24 lbs. of gar. (Total sale of 8946 lbs. of fish was 5,866.14), 10 sacks of oysters, 25 lbs. of shrimp, 4 black drum, 45 lbs. of hard crabs.

Other: Sold by USFWS Agents-DWF Agents Assisted In Case is as follows:

798 lbs. of mullet

65 lbs. of blue cat

13 lbs. of sheephead

In addition, equipment seized in Region 8 consisted of 3 shotguns, 1 rifle, various types of ammunition, 3 headlights, 1-1990 Pickup Truck, 1-boat trailer, 11 boats, 7 trawls, 5 gill nets approximately 5000 feet, 4 commercial licenses and 1 decal application.

REGION 9

TOTAL CASES-341

ENFORCEMENT-318

OTHER -23

38-Boating

20-Angling W/O A License

3-Fish Without Resident Pole License

1-Use Gear W/O Recreational Gear License

12-Angling W/O Saltwater License

REGION 9 CONT'D.

- 1-Take Game Fish Illegally
- 6-Taking/Poss. Over Limit Or Undersized Gamefish
- 6-Poss. O/L Of Red Drum
- 11-Take Or Possess Undersized Red Drum
- 5-Take Or Possess Undersized Spotted Sea Trout
- 18-Take Or Possess Undersized Black Drum
- 1-Take Or Sell Commercial Fish Or Bait Species W/O Commercial License
- 4-Take Or Possess Commercial Fish Without A Vessel License
- 1-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License
- 1-Not Abiding By Commission Rules And Regulations
- 1-Use Illegal Mesh Nets
- 3-Take Or Possess Undersize Commercial Fish
- 2-Blocking Passage Of Fish
- 11-Take Or Possess Undersize White Shrimp
- 2-Take Shrimp Illegal Gear
- 2-Failure To Have Written Permission
- 4-Taking Oysters From Unapproved Area
- 4-Unlawfully Take Oysters Off A Private Lease
- 2-Take Oysters Illegal Hours
- 1-Harvest Oysters Without Oyster Harvester License
- 1-Fail To Cull Oysters In Proper Location
- 6-Hunting W/O Resident License
- 6-Failure To Abide By Commission Rules
- 8-Hunting From Moving Vehicle And/Or Aircraft
- 8-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours

Page (16)

REGION 9 CONT'D.

- 3-Hunt Or Discharge Firearm From Public Road Or Road Right-Of-Way
- 2-Hunt MGB Without State Stamp
- 1-Hunt W/O Resident Big Game License
- 1-Hunt Or Take Deer Or Bear C/S
- 1-Poss. Of Untagged Deer Or Bear
- 17-Field Poss. Of Deer Meat W/O Tag
- 1-Deface/Destroy DMAP Signs
- 2-Take Over Limit Of Raccoons Or Opossums
- 2-Fail To Maintain Required Records Of All Alligator Transactions
- 9-Taking Or Possessing Alligators Closed Season
- 2-Trapping Closed Season
- 9-Trespass On Marshlands To Take F.B.A.
- 5-Hunting Ducks Or Geese Without Federal Stamp
- 2-Hunting With Unsigned Duck Stamp
- 1-Hunting MGB With Unplugged Gun
- 7-Hunting MGB Illegal Hours
- 9-Hunting MGB Over Baited Area
- 25-Possess Untagged MGB
- 6-Possession Of Completely Dressed MGB
- 4-Possession Over The Two-Day Limit Of MGB
- 9-Using Lead Shot In Area Designated As Steel Shot Only
- 16-Possess Overlimit Of Ducks
- 2-Taking Or Possession Of Other Non-Game Birds-No Season
- 1-Not Abiding By Rules And Regulations On WMA
- 1-Resisting Arrest

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REGION 9 CONT'D.

11-Littering

3-Other Than Wildlife And Fisheries

CONFISCATIONS:

1 federal duck stamp, 1 state duck stamp, 263 ducks, 19 gallinules, 16 1/2 sacks, 25 bowfin, 1 shoulder deer meat, 1 leg deer meat, 10 deer, 75 lbs. of shad, 9 crappie, 18 white bass, 285 catfish, 1 bream, 35 raccoons, 1978 lbs. and 3 baskets of shrimp, 108 black drum, 128 red drum, 1 squirrel, 1 rabbit, 22 spotted sea trout, 2 alligators, 7 dove, 7 rifles, 1 40 h.p. Johnson motor, 3 headlights, 2 trawls, 3 gill nets, 4 shotguns, 1 duck blind.

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S.W.E.P.

120 HOURS

62 BOATS CHECKED

11 CITATIONS

1-Commercial Fish Without Commercial Fishing License

1-Take Commercial fish W/O Vessel License

1-Allow Anther To Use Commercial License

1-Permit Un-Licensed Person To Operate Commercial Vessel

1-Permit Un-Licensed Person To Use Commercial Gear License

2-Trawl Inside Waters W/Oversize Double Rig Over 25 feet

1-No P.F.D.

1-Operate Unregistered Motorboat

1-Angling W/O A Fishing License

1-Angling W/O Saltwater License

CONFISCATIONS:

2 trawls, 7 gill nets-10,800 feet, 200 lbs. shrimp.

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OYSTER STRIKE FORCE

23 CITATIONS

2-Undersize Oysters

2-Unlawfully Take Oysters Off A Private Lease

1-Removal Of Signs From Leased Areas

3-Harvest Oysters Without Oyster Harvester License

1-Take Oysters From Unapproved Area (Polluted)

1-Unlawfully Take Oysters From State Water Bottoms

8-Fail To Have Commercial License In Possession

CONFISCATIONS:

34 sacks of oysters, 3 gill nets.

Page (20)

TOTAL CASES ENFORCEMENT-1526

TOTAL CASES OTHER - 257

TOTAL CASES S.W.E.P. - 11

TOTAL CASES OSF - 23

GRAND TOTAL -1817

6

DECEMBER 1990

The following report was prepared at the request of Wildlife and Fisheries Commission Chairman Jimmy Jenkins.

CONTENT FOR INITIAL TWO SEASONS

1989-90 Season

Last year, 14 episodes were produced (10 regular shows, two specials and two "best of" shows). Each of the regular episodes had two long features and three short regular spots (lawlines, wild ways and outdoor tips).

Show one: Features -- Return of Brown Pelican
 -- Day in life of La. Shrimper
 Wild Ways -- Mockingbirds
 ..Lawlines -- PFD regulations
 Outdoor Tips -- Types of film

Show two: Features -- Tangipahoa River Cleanup
-- Striped Bass Program
Wild Ways -- Oysters
Lawlines -- Possession Limits
Outdoor Tips -- Muzzleloading

Show three: Features -- North American Waterfowl Management Plan
-- Otterman (river otters in La.)
Wild Ways -- Blue Crab
Lawlines -- Operation Game Thief
Outdoor Tips -- Binoculars

Show four: Features -- Seemap
-- Coon Hunting
Wild Ways -- Barred Owl
Lawlines -- Boating DWIs
Outdoor Tips -- Binoculars II

Show five: Features -- Chandeleur Birds
 -- Caroline Dormon Trail (Kisatchie)
 Wild Ways -- Nutria
 Lawlines -- Boat Inspection
 Outdoor Tips -- Monofilament fishing line

Show six: This was first of two features. It covered hunter safety and outdoor ethics.

Show seven: Features -- Soft Crawfish
-- Wild Turkeys

Wild Ways -- Cottonmouth

Lawlines -- Littering

Outdoor Tips -- Fishing Knots

Show eight: Features -- Muzzleloader hunting and new season
-- Gopher Tortoise

Wild Ways -- Raccoon

Lawlines -- Blaze Orange Requirements

Outdoor Tips -- Sunscreen

Show nine: Features -- Deer Sign

-- Rigs to Reefs

Wild Ways -- Turkey Vulture

Lawlines -- Field Dressing Game

Outdoor Tips -- Shotgun Shell Selection

Show ten: Features -- Center for Traditional Boats

-- Rockefeller Refuge

Wild Ways -- Wild Turkey

Lawlines -- Wild Game Tagging

Outdoor Tips -- Flashlight/Fire Building

Show eleven: Features -- Alligator Hunting

-- Red Cockaded Woodpecker

Wild Ways -- Crawfish

Lawlines -- (No lawlines this episode)

Outdoor Tips -- Shotgun Chokes

Show twelve: This was second of two specials. This special dealt with disappearing wild areas in Louisiana.

1990-91 Season

This season will consist of 10 regular episodes, two specials, two "best ofs" and two live call in shows for a total of 16 shows. This year, the show will still have two long features per episode, but will only have two instead of three short features. Additionally, a short feature segment has been added entitled "Wild Places" which will basically highlight our WMAs.

Show one: Features -- Project Wild

-- Woodcock Hunting

Outdoor Tips -- Knife Sharpening

Lawlines -- USF&W Helicopter

Show two: Features -- Cane River Cleanup

-- Custom Knives

Outdoor Tips -- Lens Selection

Lawlines -- Civil Penalties

Show three: Features -- Ostrich Farms
 -- Winchester Rifles
 Outdoor Tips -- Freshwater Reel Selection
 Lawlines -- Pets in Wild

Show four: Features -- Building a Custom Gun
 -- Florida Bass Program
 Special Segment -- Wallop-Breaux (VVS)
 Lawlines -- Gear Licenses

Show five: Features -- Earth Day (sportsman's perspective)
 -- Training Enforcement Agents
 Wildways -- Whitetailed Deer
 Outdoor Tips -- Casting

Show six: First of two specials for the season. This one deals
 with La. oil spill contingency plans.

Show seven: Features -- Larto-Saline
 -- Alligator Farming
 Wildways -- Whitetailed Deer
 Lawlines -- Boating Rules of Road

Show eight: Features -- Oystering
 -- Record Cypress
 Outdoor Tips -- Camo and Stove
 Wild Lands -- Waterfowl Habitat/La. Duck Stamp

Show nine: Features -- Redfish basics
 -- Tropical Finches
 Lawlines -- Enforcement SCUBA Team
 Wild Lands -- Chandeleur Island

Show ten: Features -- Avery Island
 -- Pan Fish Basics
 Lawlines -- Saltwater Line
 Wildways -- Squirrel

Show eleven: Features -- Eagles in Louisiana
 -- La. Water Quality
 Outdoor Tips -- Filleting Fish
 Lawlines -- Water Skiing

Show twelve: Second special of season. This one is on outdoor
 ethics.

Call-in Special One: (Tentative date of 1-10-91) Black Bass
 Management Plan.

Call-in Special Two: (Tentative date of 3-21-91) Deer Season
 Advisory Committee Proposal.

PROCEDURE FOR SELECTING CONTENT

Responsibility for final selection of topics for the television show rests with Bob Dennie and Wade Byrd. However, input is sought from the entire department and an effort is made to balance the show in terms of division representation and regions of the state.

AUDIENCE

In it's initial season, the Louisiana Conservationist TV Magazine was rated as LPB's most watched show in both the fall and spring Nielson ratings. LPB purchases only the Baton Rouge market in the fall ratings. They purchase ratings for the entire state in the spring. Those ratings revealed an average weekly audience of 40,000 households and a total of 55,000 people. This included 21,000 women and 34,000 men 18 years old and older. The largest single block of that audience was males in the 18 to 49 age group. The show had a rating of 4 (percent of total families with television sets) and a share of 6 (percent of families watching television at that time).

Additionally, in the Responsive Management survey that was conducted in November 1989, 40 percent of the population reported having seen the show at least once. Of those that had seen the show, 89 percent gave the show a favorable rating (6-10 on a 1-10 scale) and 73 percent gave it a highly favorable rating (8-10 on a 1-10 scale).

EXPENDITURES

For a better understanding of expenditures on the TV show, you need to have some background on total Division expenditures.

Total Dept. Operating Appropriation	\$39,296,631
I&E Allotment	1,556,795
Percent Alloted to I&E	3
 Total Dept. Federal Funds	 6,897,106
I&E Federal Fund Allotment	999,091
Percent Alloted to I&E	14
 Total Dept. Conservation Fund	 23,631,466
I&E Conservation Fund Allotment	545,109
Percent Alloted to I&E	2
 Total Dept. General Fund	 2,988,661
I&E General Fund Allotment	12,595
Percent Alloted to I&E	0.4

Additionally, the I&E division has the only activity in the department that is funded in the state Ancillary Appropriations Bill. This bill funds those state activities, such as State Group

Benefits, that operate exclusively off self-generated funds. Rules governing expenditures and operation under the Ancillary Appropriations bill are somewhat different than those imposed under the General State Operating Appropriations Bill.

The activity funded under the Ancillary Appropriations Bill is the Louisiana Conservationist Magazine. Its total appropriation for the current year is \$508,163. However, it can only spend what it generates.

Federal Funds:

The Division's federal funds come from three sources. The Hunter Education and Aquatic Education programs are funded under the Pittman-Robertson, Wallop-Breaux programs on a 75/25 federal/state basis. Under both programs, the time of volunteer instructors is used as in-kind match to make up the state 25 percent share. The Boating Education program is federally funded under that portion of Wallop-Breaux that is administered by the Dept. of Transportation on a 50/50 federal/state basis. In-kind matches are not acceptable under this program and the Division utilizes I&E boating safety related Conservation Fund and Ancillary Fund expenditures as the 50 percent state match. Much of this match comes from Conservation Fund expenditures on the television show.

Conservation Fund:

The Division utilizes Conservation Fund monies to fund its general information program (news releases, regulations pamphlets, etc.), Project WILD and the Louisiana Conservationist TV Magazine.

Total I&E Conservation Fund Allotment	\$554,106
Amount allotted to television show	162,975
Percent allotted to television show	29

The allotment to the television show reflects all direct expenditures. A portion of these expenditures are used as state 50 percent match for the \$100,000 in federal boating safety funds allotted to the Division.



7860 Anselmo Lane
Baton Rouge, LA 70810-1199
Telephone 504-767-5660
LA WATS 1-800-272-8161

January 11, 1990

Virginia Van Sickle
Secretary
Department of Wildlife and Fisheries
P.O. Box 98000
Baton Rouge, Louisiana 70898-9000

Dear Ms. ^{Virginia}~~Van Sickle~~:

We have reviewed our November 1989 Nielsen ratings for the Baton Rouge market, and are delighted to report that the LOUISIANA CONSERVATIONIST TV MAGAZINE was our number one rated program! The program received a 4 rating and 6 share for the time period November 2-29, which translates into 9,000 viewing households, or 10,000 individual viewers. There will be a statewide report based on February 1990 viewing which we should receive by April of this year, and we are anticipating a good showing in that report also.

The LOUISIANA CONSERVATIONIST TV MAGAZINE is a credit to the Department of Wildlife and Fisheries, and we at LPB are proud to be associated with the series.

This project is a fine example of the success that can be achieved when two agencies work together to reach a common goal. We look forward to continued success with the series and our cooperative efforts as a production team.

Sincerely,

Beth Courtney
Executive Director

BC:pb

5

RESOLUTION

DEPARTMENT OF WILDLIFE AND FISHERIES
WILDLIFE AND FISHERIES COMMISSION

WHEREAS, Sportfishing provides recreation for more than sixty million Americans of all ages, giving families a healthy, shared outdoor activity, and

WHEREAS, Sportfishing, through the payment of millions of dollars annually for licenses, taxes and fees, has provided the funding for federal and state programs that contribute significantly to the preservation and protection of our natural environment, and

WHEREAS, The estimated 800,000 plus sportfishermen in Louisiana contribute in excess of one billion dollars annually to our economy, and

WHEREAS, Act 301 of the 1987 Louisiana Legislature authorizes the Louisiana Wildlife and Fisheries Commission to declare no more than two free recreational fishing days each year, and

WHEREAS, Free Fishing Days during National Fishing Week would provide an excellent opportunity to introduce additional individuals to the wholesome outdoor activity of fishing.

NOW THEREFORE BE IT RESOLVED, That we the undersigned members of the Louisiana Wildlife and Fisheries Commission do hereby officially adopt this resolution and attached notices of intent for freshwater and saltwater fishery declaring the weekend of the first full week of June each year as Free Recreational Fishing Days in the State of Louisiana,

BE IT FURTHER RESOLVED, That during these two days residents and non-residents may exercise the privileges of a licensed recreational fisherman without purchase of the any

otherwise necessary recreational fishing license.

BE IT FURTHER RESOLVED, That the Louisiana Wildlife and Fisheries Commission does hereby authorize and delegate to the Secretary of the Department of Wildlife and Fisheries, the authority to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to the filing of the Fiscal and Economical Impact Statements, the filing of the Notice of Intent and preparation of reports and correspondence to other agencies of government.

Jimmy Jenkins, Chairman
Warren I. Pol
Norman F. McCall

Bert Jones
Pete Vujnovich
Houston Foret

A. Kell McInnis III
Acting Secretary

Jimmy Jenkins
Chairman

A. Kell McInnis III
Acting Secretary

December 6, 1990

NOTICE OF INTENT

DEPARTMENT OF WILDLIFE AND FISHERIES
WILDLIFE AND FISHERIES COMMISSION

TITLE 76
Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

Section. 339. Free Recreational Fishing Days

In accordance with Act 301 of the 1987 Louisiana Legislature, it is the intent of the Wildlife and Fisheries Commission to declare the weekend of the first full week of June each year as Free Recreational Fishing Days in Louisiana to coincide with National Fishing Week each year. On the two above mentioned free fishing days, residents and non-residents may exercise the privilege of a licensed recreational fisherman without purchase of any otherwise necessary recreational fishing license.

Interested parties may submit their views in writing to Bob Dennie, Information and Education Administrator, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:302.
HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 17: (,1991).

Jimmy Jenkins
Chairman

NOTICE OF INTENT

**DEPARTMENT OF WILDLIFE AND FISHERIES
WILDLIFE AND FISHERIES COMMISSION**

**TITLE 76
Wildlife and Fisheries**

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sport and Commercial Fishing

Section. 151. Free Recreational Fishing Days

In accordance with Act 301 of the 1987 Louisiana Legislature, it is the intent of the Wildlife and Fisheries Commission to declare the weekend of the first full week of June each year as Free Recreational Fishing Days in Louisiana to coincide with National Fishing Week each year. On the two above mentioned free fishing days, residents and non-residents may exercise the privilege of a licensed recreational fisherman without purchase of any otherwise necessary recreational fishing license.

Interested parties may submit their views in writing to Bob Dennie, Information and Education Administrator, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:302.
HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 17: (,1991).

**Jimmy Jenkins
Chairman**

AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LOUISIANA
DECEMBER 6-7, 1990

1. Roll Call
2. Approval of Minutes of November 1-2, 1990
3. Ratification of Alligator Harvest Rules and Regulations - Tommy Prickett
4. Fox/Coyote Pens - Non-substantive Change - Tommy Prickett
5. Resolution and Notices of Intent - Free Recreational Fishing Days (Freshwater and Saltwater) - Paul Jackson
6. Louisiana Conservationist T.V. Magazine - Wade Byrd
7. Ratification of Jewfish Rule - Jerry Clark
8. Marine Finfish Budget - Jerry Clark
9. Proposed Notice of Intent - Freshwater Fish/Head and Caudal Fin Intach (Filet) Rule - Jerry Clark
10. Alligator Program Update - Tommy Prickett
11. Law Enforcement Monthly Report/November - Winton Vidrine
12. Acting Secretary's Report to the Commission - Kell McInnis
13. Set January 1991 and February 1991 Meeting Dates

OTHER BUSINESS:

PUBLIC COMMENTS:



A. Kell McInnis III
Acting Secretary

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
BATON ROUGE, LA. 70898
PHONE (504) 765-2800

BUDDY ROEMER
GOVERNOR

December 4, 1990

(3)

REVISED AMENDED AGENDA FOR COMMISSION MEETING

The next regular public board meeting as set by the Commission will be at 2:00 p.m. on Thursday, December 6th, 1990, at the Wildlife and Fisheries Building, Louisiana Room, 2000 Quail Drive, Baton Rouge, Louisiana. Prior to that meeting, the Commission's Budget Committee will meet at 1:00 p.m.

On Friday, December 7th, 1990, the Commission's regular meeting will be resumed at the same location at 9:00 a.m.

The following will be on the agenda:

1. Roll Call
2. Approval of Minutes of November 1-2, 1990
3. Ratification of Alligator Harvest Rules and Regulations
4. Fox/Coyote Pens - Non-substantive Change
5. Resolution and Notice of Intent - Free Recreational Fishing Days (Freshwater and Saltwater)
6. Louisiana Conservationist T.V. Magazine
7. Ratification of Jewfish Rule
8. Marine Finfish Budget
9. Proposed Notice of Intent - Freshwater Fish/Head and Caudal Fin Intact (Filet) Rule
10. Alligator Program Update
11. Law Enforcement Monthly Report - November
12. Acting Secretary's Report to the Commission
13. Set January 1991 and February 1991 Meeting Dates

OTHER BUSINESS:

PUBLIC COMMENTS:

December 4, 1990

Approved AKM¹⁰²

(3)

REVISED AMENDED AGENDA FOR COMMISSION MEETING

The next regular public board meeting as set by the Commission will be at 2:00 p.m. on Thursday, December 6th, 1990, at the Wildlife and Fisheries Building, Louisiana Room, 2000 Quail Drive, Baton Rouge, Louisiana. Prior to that meeting, the Commission's Budget Committee will meet at 1:00 p.m.

On Friday, December 7th, 1990, the Commission's regular meeting will be resumed at the same location at 9:00 a.m.

The following will be on the agenda:

1. Roll Call
2. Approval of Minutes of November 1-2, 1990
3. Ratification of Alligator Harvest Rules and Regulations
4. Fox/Coyote Pens - Non-substantive Change
5. Resolution and Notice of Intent - Free Recreational Fishing Days (Freshwater and Saltwater)
6. Louisiana Conservationist T.V. Magazine
7. Ratification of Jewfish Rule
8. Marine Finfish Budget
9. Proposed Notice of Intent - Freshwater Fish/Head and Caudal Fin Intact (Filet) Rule
10. Alligator Program Update
11. Law Enforcement Monthly Report - November
12. Acting Secretary's Report to the Commission
13. Set January 1991 and February 1991 Meeting Dates

OTHER BUSINESS:

PUBLIC COMMENTS:



VIRGINIA VAN SICKLE
SECRETARY

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
BATON ROUGE, LA. 70898
PHONE (504) 765-2800

BUDDY ROEMER
GOVERNOR

December 3, 1990

AMENDED AGENDA FOR COMMISSION MEETING

The next regular public board meeting as set by the Commission will be at 2:00 p.m. on Thursday, December 6th, 1990, at the Wildlife and Fisheries Building, Louisiana Room, 2000 Quail Drive, Baton Rouge, Louisiana. Prior to that meeting, the Commission's Budget Committee will meet at 1:00 p.m.

On Friday, December 7th, 1990, the Commission's regular meeting will be resumed at the same location at 9:00 a.m.

The following will be on the agenda:

1. Roll Call
2. Approval of Minutes of November 1-2, 1990
3. Ratification of Alligator Harvest Rules and Regulations
4. Fox/Coyote Pens - Non-substantive Change
5. Resolution and Notice of Intent - Free Recreational Fishing Days (Freshwater and Saltwater)
6. Louisiana Conservationist T.V. Magazine
7. Ratification of Jewfish Rule
8. Marine Finfish Budget
9. Proposed Notice of Intent - Freshwater Fish/Head and Caudal Fin Intact (Filet) Rule
10. Law Enforcement Monthly Report - November
11. Acting Secretary's Report to the Commission
12. Set January 1991 and February 1991 Meeting Dates

OTHER BUSINESS:

PUBLIC COMMENTS:

Louisiana Department of Wildlife and Fisheries

NEWS RELEASE

A. Kell McInnis, III
Acting Secretary



CONTACT
(504) 765-2919

90-168

11-30-90

AGENDA FOR COMMISSION MEETING

The next regular public board meeting as set by the Louisiana Wildlife and Fisheries Commission will be at 2 p.m. Thursday, Dec. 6, at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge.

On Friday, Dec. 7, the meeting will be continued at the same location at 9 a.m.

The following will be on the agenda:

1. Roll call.
2. Approval of minutes of Nov. 1-2.
3. Ratification of alligator harvest rules and regulations.
4. Fox/coyote pens - Non-substantive change.
5. Resolution and Notice of Intent - Free recreational fishing days (freshwater and saltwater).
6. Louisiana Conservationist TV Magazine.
7. Ratification of jewfish rule.
8. Marine finfish budget.
9. Proposed Notice of Intent - Freshwater fish/head and caudal fin intact (filet) rule.
10. Law enforcement monthly report - November.
11. Acting Secretary's report to the Commission.
12. Set January 1991 and February 1991 meeting dates.

Other Business:

Public Comments:

Pa Bettis
12-3-90

Kell —

When the news release
goes out for the Commission
meeting please put notice
of a Budget Committee
meetings at 1:00 p. Thursdy

Thanks,

Bettis

I talked to JJ last week
& he named JJ, WIP & BT to
the committee.

Thanks,
B.

November 27 1990

APPROVED AKM

AGENDA FOR COMMISSION MEETING

The next regular public board meeting as set by the Commission will be at 2:00 p.m. on Thursday, December 6th, 1990, at the Wildlife and Fisheries Building, Louisiana Room, 2000 Quail Drive, Baton Rouge, Louisiana.

On Friday, December 7th, 1990, the meeting will be continued at the same location at 9:00 a.m.

The following will be on the agenda:

1. Roll Call
2. Approval of Minutes of November 1-2, 1990
3. Ratification of Alligator Harvest Rules and Regulations
4. Fox/Coyote Pens - Non-substantive Change
5. Resolution and Notice of Intent - Free Recreational Fishing Days (Freshwater and Saltwater)
6. Louisiana Conservationist T.V. Magazine
7. Ratification of Jewfish Rule
8. Marine Finfish Budget
9. Proposed Notice of Intent - Freshwater Fish/Head and Caudal Fin Intact (Filet) Rule
10. Law Enforcement Monthly Report - November
11. Acting Secretary's Report to the Commission
12. Set January 1991 and February 1991 Meeting Dates

OTHER BUSINESS:

PUBLIC COMMENTS:



VIRGINIA VAN SICKLE
SECRETARY

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
BATON ROUGE, LA. 70898
PHONE (504) 765-2800

BUDDY ROEMER
GOVERNOR

November 26, 1990

M E M O R A N D U M

TO: Chairman and Members of Commission

FROM: A. Kell McInnis III, Acting Secretary *AKM*

RE: December Board Meeting Agenda

The next regular public board meeting as set by the Commission will be at 2:00 p.m. on Thursday, December 6th, 1990, at the Wildlife and Fisheries Building, Louisiana Room, 2000 Quail Drive, Baton Rouge, Louisiana.

On Friday, December 7th, 1990, the meeting will be continued at the same location at 9:00 a.m.

The following will be on the agenda:

1. Approval of Minutes of November 1-2, 1990

TOMMY PRICKETT

2. Ratification of Alligator Harvest Rules and Regulations
3. Fox/Coyote Pens - Non-substantive Change

BOB DENNIE

4. Resolution and Notices of Intent - Free Recreational Fishing Days (Freshwater and Saltwater)

WADE BYRD

5. Louisiana Conservationist T.V. Magazine

JERRY CLARK

6. Ratification of Jewfish Rule

November 26, 1990
Page 2

7. Marine Finfish Budget
8. Proposed Notice of Intent - Freshwater Fish/Head and Caudal Fin Intact (Filet) Rule

WINTON VIDRINE

9. Law Enforcement Monthly Report - November

KELL MCINNIS

- 10 Acting Secretary's Report to the Commission

OTHER BUSINESS:

11. Set January 1991 and February 1991 Meeting Dates

PUBLIC COMMENT:

Don Puckett
Bettsie Baker,
Jerry Clark
Wade Byrd
John Medica
Division Chiefs

RESOLUTION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

THE FOLLOWING WAS ADOPTED BY THE LOUISIANA WILDLIFE AND FISHERIES COMMISSION AT ITS REGULAR MEETING HELD IN BATON ROUGE, 6 DECEMBER 1990.

WHEREAS, The Louisiana Department of Wildlife and Fisheries in accordance with R.S. 56:260, 262, 262.1 and 262.2 has the authority to promulgate rules and regulations governing all aspects of the harvest of wild alligators, alligator eggs, raising and propagation of farmed alligators and the selling of hides, alligator parts and farm raised alligators, and

WHEREAS, the attached rule has been promulgated in accordance with all provisions of the Administrative Procedures Act including a Notice of Intent authorized by the Louisiana Wildlife and Fisheries Commission during its regular meeting on July 5, 1990 and published in the State Register on August 20, 1990, now

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission hereby finally adopts regulations governing the harvest, sale, and propagation of alligators.

A. Kell McInnis, III, Acting
Secretary, La. Dept. of
Wildlife and Fisheries

Jimmy Jenkins, Chairman
La. Wildlife and Fisheries
Commission

RULE
Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

TITLE 76
Wildlife and Fisheries

PART V. WILD QUADRUPEDS AND WILD BIRDS

Chapter 7. Alligators

#701. Alligator Regulations

The Department of Wildlife and Fisheries does hereby establish regulations governing the harvest of wild populations of alligators, alligator eggs, raising and propagation of farmed alligators and regulations governing the selling of hides, alligator parts and farm raised alligators.

A. Purpose.

These regulations are to govern the taking, possession, selling, raising and propagation of alligators statewide, both in the wild and in captivity. They are enacted to prevent depletion or waste, while enhancing utilization of this renewable resource. These regulations are based upon scientific study and population monitoring and are consistent with federal requirements to qualify alligators and alligator parts from Louisiana for international export under the Convention on International Trade in Endangered Species of wild fauna and flora. Alligators in Louisiana are not endangered but their similarity in appearance to endangered crocodilian species requires controls on commerce to minimize illegal trafficking of these species and to regulate and maintain the wild population of alligators. These regulations provide rules to enhance alligator farming operations; establish the methods of alligator harvest; establish minimum facility requirements for alligator farming; regulate commerce in alligators, eggs and parts; streamline necessary reporting requirements; and, establish a regulated nuisance alligator control program.

B. Definitions.

The following words and phrases for purposes of these regulations shall have the meaning ascribed to them in this section, unless the context wherein the particular word or phrase is used clearly indicates a different meaning:

1. Alligator - American alligator (Alligator mississippiensis).

2. Alligator Egg Collection Permit - A permit issued by the Department allowing for the collection of alligator eggs on designated properties described as part of the permit. The permit will be signed by the Secretary or his designee, the

permittee and the landowner/land manager.

3. Alligator Farm - An enclosed area, constructed so as to prevent the ingress and egress of alligators from surrounding public or private lands or waters and meeting other specifications and requirements set by the Department, where alligators are bred, propagated, or raised as a commercial enterprise under controlled conditions.

4. Alligator Farmer - A properly licensed person who raises alligators under controlled conditions which prohibit free movement of the animals onto and off of the farm or controlled area, and who may harvest alligators under the supervision of the Department. An alligator farmer must possess a valid nongame quadruped breeder's license.

5. Alligator Hunter - A properly licensed resident or nonresident person who takes wild alligators.

6. Alligator Part - Any part of the carcass of an alligator, except hides tagged pursuant to all applicable laws and regulations including the laws and regulations of the United States Government, the State of Louisiana and the Louisiana Wildlife and Fisheries Commission.

7. Alligator Parts Dealer - Any properly licensed person who deals in alligator parts and who:

(a) Buys from an alligator hunter, another parts dealer, or an alligator farmer for the purpose of resale; or

(b) Manufactures within the state alligator parts into a finished product; or

(c) Purchases, cans, processes, or distributes alligator meat for wholesale or retail.

8. Alligator Parts Retailer - Any properly licensed person selling canned alligator parts or purchasing alligator parts from an alligator parts dealer, and each restaurant selling prepared alligator meat for human consumption.

9. Alligator Parts Tag - An official tag issued by the Department that is attached to all unprocessed alligator parts upon transfer by an alligator hunter, an alligator parts dealer, or alligator farmer.

10. Alligator Shipping Label - A serially numbered label issued by the Department required on each container of alligators or alligator eggs being shipped or transported out of the state.

11. Bona Fide Resident (1) - Any person who has resided in the state of Louisiana continuously during the twelve months immediately prior to the date on which he applies for any license and who has manifested his intent to remain in this state by establishing Louisiana as his legal domicile, as demonstrated with all of the following, as applicable:

(a) If registered to vote, he is registered to vote in Louisiana.

(b) If licensed to drive a motor vehicle, he is in possession of a Louisiana driver's license.

(c) If owning a motor vehicle located within Louisiana, he is in possession of a Louisiana registration for that vehicle.

(d) If earning an income, he has filed a Louisiana state income tax return and has complied with state income tax laws and regulations.

(2) As to a corporation or other legal entity, a resident shall be any which is incorporated or otherwise organized under and subject to the laws of Louisiana, and as to which the principal place of business and more than fifty percent of the officers, partners, or employees are domiciled in Louisiana.

12. Closed Season - That period of time of a calendar year not specifically included in the open season.

13. Commission - The Louisiana Wildlife and Fisheries Commission.

14. Common Carrier - Any agency or person transporting passengers or property of any description for hire.

15. Confiscation - The exercise of a right under the police power wherein property is seized and held pending court order if the seized material is nonperishable, or disposed of without judicial intervention if perishable.

16. Consumer - Restaurants and other places where alligator, fish, shrimp, or other aquatic life is prepared for human consumption; or any person using alligator, fish, shrimp, or other aquatic life for bait or personal consumption.

17. Department - The Louisiana Department of Wildlife and Fisheries.

18. Designated Collection Agent - Anyone who is permitted by the Department to assist an alligator egg collection permittee

during alligator egg collection.

19. Fur Buyer - Anyone who buys raw furs or skins from fur trappers, alligator hunters, fur buyers, or fur dealers and who sells to another fur buyer or fur dealer within the confines of the state or to a nonresident fur dealer licensed by the State of Louisiana in interstate commerce, or who acts as an agent of another fur buyer or fur dealer in this state in such purchase or sale. Fur buyers are divided into two classes, resident and nonresident. Resident fur buyers are those who are bona fide residents of this state. All others are nonresident fur buyers.

20. Fur Dealer - Anyone who deals in raw furs and skins and who:

(a) Buys from a fur trapper, alligator hunter, or alligator farmer, either directly or indirectly, and ships or exports from this state, either directly or indirectly, the raw furs and skins so bought; or

(b) Buys from a fur buyer or other fur dealer and exports from this state the raw furs and skins so bought; or

(c) Buys from a fur trapper, alligator hunter, alligator farmer, fur buyer, or other dealer and sells such raw furs and skins for manufacturing into a finished product in this state; or

(d) Manufactures such furs and skins into a finished product in this state, buying directly from a fur trapper, alligator hunter, alligator farmer, fur buyer, or fur dealer; or

(e) Transports raw furs or skins into this state for the purpose of sale within the state. Fur dealers are divided into two classes, resident and nonresident. Resident fur dealers are those who are bona fide residents of this state. All others are nonresident fur dealers.

21. Hatchling - A young of the year alligator which is less than twenty three (23) inches in length.

22. Hide - (See "Pelt").

23. Hook - Any curved or bent device attached to a line or pole for the purpose of taking alligators.

24. Hunt - In different tenses, attempting to take.

25. Incubator - An apparatus designed and used for the primary

purpose of incubating alligator eggs.

26. Land Manager - Any authorized person who represents the landowner.

27. Landowner - Any person who owns land which the Department has designated as alligator habitat.

28. Licensee - Any resident or nonresident lawful holder of an effective license duly issued under the authority of the Department.

29. Nongame Quadruped - Alligators, beavers, bobcats, coyotes, gray foxes, minks, muskrats, nutrias, opossums, otters, raccoons, red foxes, skunks, and other wild quadrupeds valuable for their furs or skins.

30. Nongame Quadruped Breeder - A person properly licensed to engage in the business of raising, exhibiting and selling nongame quadrupeds on alligator or fur farms.

31. Nongame Quadruped Exhibitor - A person properly licensed to engage in the business of raising and/or exhibiting nongame quadrupeds.

32. Nonresident - Any person who is not a bona fide resident as that term is defined by R.S. 56:8(12).

33. Nuisance Alligator - A specific (particular) alligator that poses a threat to human life or property.

34. Nuisance Alligator Hunter - A licensed alligator hunter who is contracted or otherwise selected by the Department to remove designated nuisance alligators.

35. Open Season - That period of time set by the Louisiana Wildlife and Fisheries Commission, during which wild alligators or their eggs may be lawfully taken.

36. Out Of State Shipping Tag - An official, serially numbered tag, yellow in color, issued by the Department required on each shipment of alligator hides shipped out of state.

37. Part - For purposes of this section, a part is a division of a subsection.

38. Pelt - The skin or hide of a quadruped.

39. Pelting - Removing the skin and/or fur of a quadruped in such a manner as to render it marketable.

40. Person - Includes any individual person, association,

corporation, partnership, or other legal entity recognized by law.

41. Pole Hunting - The act of taking an alligator from a den with a pole or snagging device of any type and includes using such devices to induce an alligator to move from a den prior to taking.

42. Possess - In its different tenses, the act of having in possession or control, keeping, detaining, restraining, or holding as owner, or as agent, bailee, or custodian for another.

43. Processed Alligator Part - Any part (and its resulting products) that has been removed from a legally taken alligator, treated to prevent decomposition, and packaged; provided that the meat is not processed until packaged and marked with required labeling as described in Subsection L of these regulations.

44. Propagation - The holding of live alligators for production of offspring.

45. Raising - The production of alligators under controlled environmental conditions or in outside facilities.

46. Rearing - (See "Raising").

47. Resident - (See "Bona Fide Resident").

48. Secretary - The secretary of the Louisiana Department of Wildlife and Fisheries.

49. Skin - (See "Pelt").

50. Take - In its different tenses, the attempt or act of hooking, pursuing, netting, capturing, snaring, trapping, shooting, hunting, wounding, or killing by any means or device.

51. Transport - In its different tenses, the act of shipping, attempting to ship, receiving or delivering for shipment, transporting, conveying, carrying, or exporting by air, land, or water, or by any means whatsoever.

52. Wildlife - All species of wild vertebrates.

53. Wildlife Management Area - Any area set aside, maintained, and supervised by the Department for the purpose of managing and harvesting wild birds, wild quadrupeds, fish and other aquatic life under controlled conditions to afford maximum public hunting and fishing opportunity.

54. Wildlife Refuge - Any area set aside and designated by the Department as a refuge on which wild birds and animals are protected. Control of certain forms of wildlife may be conducted by the Department.

C. General Rules.

1. No person shall take, possess, purchase or sell alligators, alligator eggs, alligators parts, or goods manufactured from alligators, except as provided in these regulations and LA. R.S. Title 56.

2. Each alligator, alligator egg, or alligator part taken or possessed in violation of these regulations shall constitute a separate offense.

3. Hides of alligators harvested in Louisiana shall be tagged in accordance with provisions of these regulations and deviation from those requirements shall be a violation and subject hides to confiscation. Violation of this part is a class 7A violation as described in Title 56.

4. Pole Hunting is prohibited. Violation of this part is a class 2 violation as described in Title 56.

5. An alligator hunter must possess on his or her person one or more current alligator hide tags while taking alligators provided that only one licensed hunter needs to possess current hide tags among a group of licensed hunters who are physically present in the same location and are conducting a joint hunting operation. Violation of this part is a class 2 violation as described in Title 56.

6. No person shall release any alligator from any taking device for any purpose without first dispatching and tagging the alligator. Violation of this part is a class 2 violation as described in Title 56.

7. Collection of alligator hatchlings from the wild is strictly prohibited. Taking or collection of any wild alligator illegally is strictly prohibited. Violation of this part is shall constitute a Class 7A violation for each alligator taken as described in Title 56. All alligators taken in violation of this part shall be confiscated and in addition to all other penalties provided herein, all alligator licenses of any type held by the offender(s) shall be revoked for a period of three (3) calendar years and no alligators shall be raised or propagated on the offender's facilities for a period of three (3) calendar years.

8. The shipment of alligator eggs out of state is prohibited

except where special scientific permits have been obtained in advance from the Department and specify all such shipments. Violation of this part is a class 2 violation as described in Title 56.

9. Transportation of alligator(s) into this state without prior written approval of the Department is strictly prohibited. Violation of this part is a class 7A violation as described in Title 56.

10. It is unlawful to ship alligator eggs into the State of Louisiana unless they are to be used for Department sponsored scientific studies and these shipments shall have prior written Department approval. Violation of this part is a class 7A violation as described in Title 56.

11. The shipment of live alligators or alligator eggs out of the United States is strictly prohibited unless they are used for Department sponsored scientific studies with an accompanying authorization signed by the Secretary. Violation of this part is a class 7A violation as described in Title 56.

12. There is levied a severance tax of twenty-five cents on all skins or hides taken from any alligator, within the state, payable to the state through the Department by the alligator hunter or alligator farmer taking his own catch out of state, or by the dealer. Violation of this part is a class 2 violation as described in Title 56.

D. Licenses, Permits and Fees.

1. The licenses and fees required for activities authorized by these regulations are as prescribed under provisions of Title 56, or as prescribed in these regulations, and are:

- (a) \$25 for a resident alligator hunter's license;
- (b) \$150 for a nonresident alligator hunter's license;
- (c) \$25 for a resident fur buyer's license;
- (d) \$100 for a nonresident fur buyer's license;
- (e) \$150 for a resident fur dealer's license (\$500 deposit required);
- (f) \$300 for a nonresident fur dealer's license (\$1,000 deposit required);
- (g) \$10 for a nongame quadruped exhibitor's license;
- (h) \$25 for a nongame quadruped breeder's license;
- (i) \$50 for a alligator parts dealer license;
- (j) \$5 for a alligator parts retailer license;
- (k) \$4 for each alligator hide tag;
- (l) \$4 for each whole alligator leaving the state as alligator shipping label fee;
- (m) \$0.25 severance tax for each alligator hide taken from within the state;
- (n) \$25 for a Designated Agent Collection Permit.

2. No person may take, attempt to take, or possess a wild alligator in this state during the open season for taking wild alligators unless he or she has acquired and possesses an alligator hunter's license. An alligator hunter must have in possession a valid alligator hunter license to take or sell alligators, their skins, or parts. Violation of this part is a class 2 violation as described in Title 56.

3. No resident or nonresident fur buyer shall ship furs, alligators, alligator skins, alligator eggs, or alligator parts out of state. Violation of this part is a class 2 violation as described in Title 56.

4. Every resident fur dealer, alligator hunter, alligator parts dealer, alligator farmer, nonresident fur dealer, or nonresident alligator hunter shall not ship or take raw alligator skins, alligators, or alligator parts out of state without first complying with provision of these regulations. Violation of this part is a class 2 violation as described in Title 56.

5. No person may engage in the business of raising and/or exhibiting alligators unless he or she has acquired and possesses a valid nongame quadruped exhibitor license. Violation of this part is a class 3 violation as described in title 56.

6. No person may engage in the business of raising, breeding, propagating, exhibiting and selling alligators alive or selling their parts, and killing and transporting them and selling their skins and carcasses unless he or she has acquired and possesses a valid nongame quadruped breeder license and complies with Subsections N and O of these regulations. Violation of this part is a class 3 violation as described in Title 56.

7. No person shall engage in the business of buying and selling alligator parts unless he or she has acquired and possesses a valid alligator parts dealer license. Violation of this part is a class 2 violation as described in Title 56.

8. Each retailer selling canned alligator parts or purchasing alligator parts, and each restaurant selling prepared alligator meat for human consumption shall secure from the department an alligator parts retailer license prior to commencing business. Violation of this part is a class 2 violation as described in Title 56.

9. No person shall remove and possess alligator eggs from wild nests unless he or she has acquired and possesses a valid nongame game quadruped breeder license or a valid Designated

Collection Agent Permit and also has in his possession a valid alligator egg collection permit. Egg collection permits will only be issued to those persons who demonstrate competency in egg collection and handling, have necessary equipment accessible and comply with all Department requirements as described in Subsection N of these regulations. Violation of this part is a class 7A violation as described in Title 56.

10. No person shall ship or transport alligators out of the state without first applying for and receiving an alligator shipping label which shall be affixed to each container of alligators and is properly completed and validated by Department personnel. Violation of this part is a class 2 violation as described in Title 56.

11. Every alligator hunter or alligator farmer shipping or transporting his own catch of alligator skins out of state is liable for the severance tax thereon, and shall apply for an official out of state shipping tag to be attached to the shipment and shall pay the severance tax prior to shipment. Violation of this part is a class 2 violation as described in Title 56.

12. Valid holders of alligator hunter license, nongame quadruped breeder license, fur dealers license and alligator parts dealer license must comply with federal licensing and permit requirements to engage in interstate and international commerce involving alligators, alligator hides and parts. Violation of this part is a class 2 violation as described in Title 56.

E. Wild Harvest Methods.

1. Alligators taken from the wild may be removed from hook and line, and other legal capture devices which may be used, only during daylight hours, between official sunrise and official sunset. Violation of this part is a class 7A violation as described in Title 56.

2. There are no size restrictions on wild alligators taken during the general open season. A Department issued permit is required to sell alligators or their skins which are less than four (4) feet in length. Violation of this part is a class 7A violation as described in Title 56.

3. Legal methods for taking alligators in the wild are as follows:

- (a) Hook and line;
- (b) Long (including compound) bow and barbed arrow; and
- (c) Firearms.

Violation of this part is a class 7A violation as described

in Title 56.

4. Hooks and arrows may be used only when a line of at least 300-pound test is securely attached to the hook or head of the arrow in such a manner to prevent separation from the hook or head until the carcass is retrieved. The other end of the line must be attached to a stationary or floating object capable of maintaining the line above water when an alligator is attached. Violation of this part is a class 7A violation as described in Title 56.

5. Alligator hunters shall inspect their hooks and lines and remove captured alligators daily. Alligators shall not be cut loose from hooks and lines for the purpose of selecting larger alligators. All hooks and lines shall be removed when an alligator hunter's quota is reached. Violation of this part is a class 7A violation as described in Title 56.

6. Baited hooks and lines may be set no more than 24 hours prior to the general open season and shall be removed no later than sunset of the last day of the open season. Violation of this part is a class 7A violation as described in Title 56.

7. No person possessing alligator hide tags issued for privately-owned land or water may take alligators on adjacent publicly-owned water unless the taking device is anchored to privately-owned land or the person is on privately-owned land when the taking occurs, provided that any alligator captured on a legal taking device that is anchored to privately-owned land or held by a person on privately-owned land may be dispatched from a floating craft on public water. Violation of this part is a class 7A violation as described in Title 56.

8. A person possessing alligator hide tags for publicly-owned areas may take alligators by legal means from a floating craft on public water for which the tags are issued.

F. Alligator Hide Tag Procurement and Tagging Requirements.

1. Alligator hide tags may be obtained as follows and only to properly licensed alligator hunters and nongame quadruped breeders:

2. Landowners, Land Managers and Hunters - upon application to the Department on forms provided for tag issuance. Applications for alligator tag allotments will be taken annually beginning August 1 and ending 10 days after the season opens.

(a) Maximum tag issuance to individual landowners, land managers, or their hunters shall be determined solely by the Department. Landowners, land managers, or their

hunters shall certify total acreage owned or represented on a form prescribed by the Department at the time of application. The location and acreage of the property must be provided which includes parish, township, range and section delineation figures.

(b) Land managers and hunters must present a notarized document from the landowner verifying their selection to represent that landowner and the total acreage represented to obtain hide tags.

(c) Payment for all alligator tags shall be received by the Department prior to issuance. Numbered alligator hide tags shall only be issued in the name of the license holder and are nontransferable. A refund will be issued for all unused alligator tags which are returned within the required time frame designated in these regulations.

Violation of parts 1 and 2 of this Subsection are class 2 violations as described in Title 56.

3. Alligator farmers - upon request to the Department at any time at least two weeks prior to scheduled harvesting, subject to verification of available stock by Department personnel. Violation of this part is a class 2 violation as described in Title 56.

4. If an alligator hunter is cited for hunting alligators out of season, at night, or on property other than that for which hide tags were issued, all unused hide tags and alligators in possession shall be confiscated and the violator's alligator hunting license shall be revoked. Violation of this part is a class 7A violation as described in Title 56.

5. Special instructions will be issued to the holders of alligator hunting licenses immediately prior to the annual open season describing detailed methods regarding the skinning of alligators. Alligator farmers shall adhere to the annual skinning requirements when skinning farm raised alligators. Alligators not skinned in compliance with the established specific requirements shall be considered illegal and shall be confiscated by the Department.

6. It shall be a violation for any alligator hunter, alligator farmer, fur buyer, or fur dealer who knowingly attempts to sell an alligator hide that was not skinned in accordance with the established specific requirements. Violation of this part is a class 7A violation as described in Title 56.

7. A hide tag shall be attached in the last six (6) inches of an alligator's tail immediately upon possession by an alligator hunter. The tag shall be attached in accordance

with instructions issued by the Department. Alligator farmers may wait until farm raised alligators are skinned prior to tagging. Live or dead farm raised alligators may be transported with their accompanying tags from a licensed alligator farm to a licensed processing facility, however each shipment shall be accompanied with the exact number of alligator hide tags. Violation of this part is a class 7A violation as described in Title 56.

G. Open Season, Open Areas, and Bag Limits.

1. Open seasons are as follows:

(a) The general open season for taking alligators in the wild may be established annually by the Commission at their regular July meeting. The Secretary shall be authorized to close, extend or reopen the season as biologically justifiable.

(b) Nuisance control hunters may take nuisance alligators at any time as prescribed by the Department.

(c) Farm raised alligators may be taken at any time following the issuance of hide tags by the Department.

(d) The open season for collection of alligator eggs from the wild shall be from May 15 through September 15 of each calendar year.

Violation of this part is a class 7A violation as described in Title 56.

2. The open areas are as follows:

(a) For the general open season, those areas designated by the technical staff of the Department as alligator habitat and which can sustain an alligator harvest.

(b) The Department may select public lakes and lands for an experimental alligator hunting program. The harvest will be controlled by a tag allotment for each lake as determined by Department personnel. Applicants for public lake hunting must be 16 years of age or older. Applications must be received at least 10 days prior to the season opening date. A public drawing will be held to select hunters. An alligator hunter can receive tags for and hunt on only one public lake per season. The tag quota for each lake and hunter will be established by the technical staff of the Department. Alligator tags issued on public lakes and lands are nontransferable.

(c) Wild alligators in the remainder of the state may be

taken only under provisions as prescribed by the Department.

Violation of this part is a class 7A violation as described in Title 56.

3. The daily and season bag limit is equal to the number of valid alligator hide tags that a licensed alligator hunter possesses. Violation of this part is a class 7A violation as described in Title 56.

4. Non resident alligator hunters may only take three (3) alligator during the open season. Violation of this part is a class 4 violation as described in Title 56.

5. Harvest rates will be calculated annually by Department personnel based on biological data. Alligator hide tag allotments will be established prior to issuance of alligator hunting licenses.

H. Possession.

1. No person shall possess alligators or alligator hides in Louisiana without valid official tags properly attached. Failure to properly tag an alligator or hide shall result in confiscation of both the alligator or hide and tag. Violation of this part is a class 7A violation as described in Title 56.

2. Alligator farmers may request hide tags or shipping labels from the Department to be used on farm-raised alligators that have died unexpectedly and may hold those alligators in freezers until receipt of the requested hide tags or shipping labels. These alligators may be held in freezers for a maximum of 60 days prior to disposal. All alligators 24 inches and greater in length that die unexpectedly must be properly skinned and tagged with an alligator hide tag. Violation of this part is a class 7A violation as described in Title 56.

3. No person other than a licensed alligator hunter, licensed alligator farmer, licensed fur buyer or licensed fur dealer may possess a tagged or labeled alligator, a tagged raw or salted hide of an alligator at any time, provided that legally documented tagged or labeled alligators or tagged hides may be possessed without license while in transit, or during processing for tanning or taxidermy. Violation of this part is a class 7A violation as described in Title 56.

4. No person other than a licensed alligator farmer or licensed non game quadruped exhibitor may possess live alligators at any time other than by a permit issued by the Department upon request for use in displays and educational

purposes, and by holders of valid Department issued permits for scientific purposes. Live, farm raised alligators and their alligator hide tags may be held for processing by a properly licensed alligator skinning facility without a license or permit. Violation of this part is a class 7A violation as described in Title 56.

5. No person other than a licensed alligator farmer or licensed non game quadruped exhibitor may possess alligator eggs at any time other than Department permitted Designated Collection Agents assisting a licensed and permitted alligator farmer during wild egg collection, or a holder of a valid Department issued permit for scientific purposes. Any alligators hatched from scientific permits issued by the Department will be returned to the wild under Departmental supervision following completion of the research project. Violation of this part is a class 7A violation as described in Title 56.

I. Importation, Exportation, Purchase, and Sale.

1. Alligators, alligator hides (raw or salted), or parts of alligators, may be brought into the state only if the alligators, alligator hides or parts of alligators were lawfully taken in another state or country and the person, firm or corporation bringing the alligators, alligator hides (raw or salted), or alligator parts into the state has obtained written permission from the Department. Violation of this part is a class 7A violation as described in Title 56.

2. All alligators, alligator hides (raw or salted), or parts of alligators possessed, sold, purchased, exported, imported, or brought into the state from another state shall be accompanied by documented evidence that they were lawfully taken. Documented evidence shall consist of, but not be limited to:

(a) A resource user license or permit number allowing the taking of alligators and tags or other identification required by the state or country of origin shall be firmly attached to the alligator, alligator hide, or parts of alligators; and

(b) A tag or label is affixed to the outside of any package or container of alligators, alligator hides, or alligator parts that specifies type of contents, indicates quantity contained, and lists applicable license or permit numbers.

Violation of this part is a class 7A violation as described in Title 56.

3. Purchases of alligators, alligator hides and alligator parts are restricted as follows:

(a) A licensed alligator hunter may not purchase alligators or alligator hides from anyone.

(b) A licensed fur buyer may purchase alligator hides from an Louisiana licensed alligator hunter, licensed alligator farmer, licensed fur dealer, or another fur buyer within the confines of the state.

(c) A licensed fur dealer may purchase alligator hides from a licensed alligator hunter, licensed alligator farmer, fur buyer or another fur dealer.

(d) A licensed alligator farmer may purchase live alligators only from another licensed alligator farmer or the Department.

(e) An alligator farmer may purchase alligator eggs only from another alligator farmer, a landowner/land manager (with an approved Department alligator egg collection permit), or the Department.

(f) A licensed alligator parts dealer may purchase alligator parts from an licensed alligator hunter, alligator farmer, another alligator parts dealer, or the Department.

(g) A licensed parts retailer may purchase canned alligator parts or alligator parts from an alligator parts dealer.

(h) A restaurant may purchase alligator meat to sell prepared for human consumption with a alligator parts retailer license.

Violation of this part is a class 2 violation as described in Title 56.

4. Sales of alligators and alligator parts are restricted as follows:

(a) A licensed alligator hunter may sell alligators, alligator hides, or alligator parts taken by the licensee during the general open season to anyone who may legally purchase.

(b) A licensed alligator farmer may sell alligators, alligator eggs, alligator hides, or alligator parts to anyone who may legally purchase. The sale of alligator

eggs or live alligators shall only occur following the issuance of an Alligator Transfer Authorization Permit issued by the Department. Application for the permit shall be made at least 2 weeks prior to the transfer.

(c) A licensed fur buyer may sell alligator hides to a fur dealer or another fur buyer within the confines of the state.

(d) A licensed fur dealer may sell alligator hides to anyone who may legally purchase.

(e) A licensed alligator parts dealer may sell alligator parts to anyone.

(f) A licensed alligator parts retailer may sell canned alligator parts, processed alligator parts, or alligator meat to anyone.

(g) A restaurant possessing an alligator parts retailer license may sell alligator meat prepared for human consumption to anyone.

Violation of this part is a class 3 violation as described in Title 56.

5. Legally tagged and documented alligators, alligator hides, and parts of alligators taken in Louisiana may be shipped out of state or exported by alligator hunters, alligator farmers, fur dealers and alligator parts dealers subject to Subsection K of these regulations (relating to Report Requirements) provided that no live alligators or eggs originating in Louisiana may be exported outside of the United States without specific Department authorization and the concurrence of the United States Fish and Wildlife Service, to be used only for scientific purposes. Violation of this part is a class 3 violation as described in Title 56.

6. A special permit is required of anyone who sells alligator eggs, live alligators under four (4) feet in length, or skins of alligators under four (4) feet in length. Violation of this part is a class 7A violation as described in Title 56.

J. Nuisance Alligator Control.

1. Nuisance alligator hunters will be selected by the Department and may be based upon recommendations received from the local governing body. Applicants with prior alligator hunting violations will be rejected.

2. Nuisance alligator hunters shall purchase a valid alligator hunter license and are bound by all laws, rules and

regulations governing alligator hunting with the exception that nuisance alligators may be taken at anytime. Violation of this part is a class 2 violation as described in Title 56.

3. Nuisance alligator complaints will be verified by Department personnel prior to being approved for removal. Violation of this part is a class 2 violation as described in Title 56.

4. Tags will be issued to nuisance alligator hunters for immediate attachment to alligators when taken. Nuisance alligator hunters will make every attempt possible to catch nuisance alligators and relocate to natural habitat selected by the Department. It is unlawful for any nuisance alligator captured alive to be sold or otherwise disposed of on an alligator farm. Alligators and alligator parts taken and tagged under these provisions may be retained and sold by the nuisance alligator hunter as any other legally taken wild alligator or alligator part. Violation of this part is a class 7A violation as described in Title 56.

5. Nuisance alligator hunters may take alligators by any means prescribed by the Department. Failure to comply with Departmental instructions may result in immediate termination of the individual's participation in the nuisance alligator program. Violation of this part is a class 2 violation as described in Title 56.

K. Report Requirements.

1. Report forms provided by the Department must be completed and filed with the Department by all persons who have been issued an alligator hunter's license, fur buyer's license, fur dealer's license, nongame quadruped exhibitor's license, nongame quadruped breeder's license, alligator parts dealer's license, or alligator egg collection permit in accordance with this Subsection. Reports shall include but not be limited to the information specified in this Subsection.

2. Alligator hunters receiving hide tags from the Department are responsible for disposition of all issued tags and must:

(a) Complete an official alligator parts transaction form furnished by the Department for each alligator part transaction. These forms shall be submitted to the Department within 30 days following the close of the season and thereafter at 60-day intervals until all parts are sold.

(b) Complete an official lost tag form, furnished by the Department for any hide tags lost or stolen. These forms

shall be submitted to the Department within 15 days following the close of the season. Lost or stolen tags will not be replaced.

(c) All unused tags must be returned to the Department within 15 days following the close of the season. Violation of this requirement shall result in no license or alligator tags being issued to the violator for a period of one year.

(d) The Department must be notified within 15 days following the close of the season, of any alligator hides not sold to a fur buyer or fur dealer on official forms provided by the Department.

(e) Each licensed alligator hunter selling alligator parts to a person or a restaurant shall provide that person with a bill of sale for each transaction.

(f) All records of transactions involving alligator parts of alligator hunters shall be available for inspection by the Department.

Violation of this part is a class 2 violation as described in Title 56.

3. A nuisance alligator hunter shall comply with the same report requirements as an alligator hunter and complete any other reports required by the Department. Violation of this requirement shall result in immediate termination of nuisance alligator hunter status. Violation of this part is a class 2 violation as described in Title 56.

4. Alligator farmers receiving hide tags from the Department are responsible for disposition of all issued tags and must:

(a) Complete an official alligator parts transaction form, furnished by the Department for each alligator part transaction. These forms shall be submitted to the Department within 30 days following the last day of the year that issued tags are valid and thereafter at 60-day intervals until all parts are sold. Violation of this part is a class 2 violation as described in Title 56.

(b) Complete an official lost tag form, furnished by the Department for any hide tags lost or stolen. These forms shall be submitted to the Department within 15 days following the last day of the year that issued tags are valid. Lost or stolen tags will not be replaced. Violation of this part is a class 2 violation as described in Title 56.

(c) All unused hide tags must be returned to the Department within 15 days following the last day of the year that issued tags are valid. Violation of this requirement shall result in the revocation of the nongame quadruped breeder's license. Violation of this part is a class 2 violation as described in Title 56.

(d) The Department must be notified within 15 days following the last day of the year that issued tags are valid of any alligator hide not sold to a fur buyer or fur dealer on official forms provided by the Department. Violation of this part is a class 2 violation as described in Title 56.

(e) Each alligator farmer shall report annually, no later than December 31, on an official form provided by the Department, all activities that have occurred on the farm for the past year including but not limited to the number of live alligators as of that date, separated by sizes, the number of eggs collected and hatched, the purchase and sale of alligators for the past year and the numbers of alligators lost. Failure to complete this form properly and completely will result in non renewal of the nongame quadruped breeder's license. Violation of this part is a class 3 violation as described in Title 56.

(f) Each licensed alligator farmer selling alligator parts to a person or a restaurant shall furnish that person with a bill of sale for each transaction. Violation of this part is a class 2 violation.

5. Fur buyers and fur dealers engaged in the business of buying and selling alligator hides must keep within the state a complete record on forms provided by the Department, all purchases and sales made of alligator hides as described in Title 56, and;

(a) Every buyer or dealer having undressed alligator hides in his possession after the close of each open season shall file with the Department within 60 days or prior to shipping out of state, a complete report, on forms provided by the Department, a detailed description of alligator hides then owned or held in possession as owner or agent.

Violation of this part is a class 3 violation as described in Title 56.

6. Fur dealers engaged in the business of buying and selling alligator hides must maintain complete records of alligator hides purchased inside and outside the state as described in

Title 56. Failure to maintain complete records and to pay the required severance tax subjects any dealer to the full penalties provided and the immediate revocation of his license by the Department. No license shall be issued to a dealer who has not paid the tax for the preceding year. Violation of this part is a class 2 violation as described in Title 56.

7. Alligator parts dealers purchasing alligator parts, shall complete an official alligator parts purchase form for each purchase. Alligator parts dealers selling alligator parts, shall complete an official alligator parts sale form for each sale. These forms shall be furnished by the Department and shall be submitted to the Department within 30 days following the close of the open season and at 60-day intervals until final disposition of all wild parts. These forms shall be submitted annually for all farm raised alligator parts, and;

(a) Alligator parts dealers shall furnish a bill of sale to anyone purchasing alligator parts.

(b) The records of transactions involving alligator parts shall be available for inspection by the Department and shall be maintained complete for a period of one year following any transaction.

Violation of this part is a class 2 violation as described in Title 56.

8. Any alligator parts retailer or restaurant purchasing alligator parts shall maintain a bill of sale for each purchase for a period of six months after such purchase and these records shall be available for inspection by the Department. Violation of this part is a class 2 violation as described in Title 56.

L. Alligator Meat.

1. Alligator meat from lawfully taken alligators can only be sold according to state and federal laws, Louisiana Department of Health and Hospitals regulations and Louisiana Wildlife and Fisheries Commission regulations. Violation of this part is a class 2 violation as described in Title 56.

2. Alligator meat processed in the State of Louisiana and sold for human consumption must be processed in a licensed facility approved by the Louisiana Department of Health and Hospitals and the facility must display a valid permit issued by that agency. Violation of this part is a class 2 violation as described in Title 56.

3. Alligator carcasses being shipped whole shall be tagged

with an alligator parts tag properly identifying the carcasses and shall remain on the carcasses until the processing makes identification impossible. Violation of this part is a class 3 violation as described in Title 56.

4. Alligator hunters and alligator farmers involved in alligator parts transactions with individual consumers shall properly tag all alligator parts and the parts tag shall remain attached until final disposition. Violation of this part is a class 3 violation as described in Title 56.

5. All alligator meat processed for sale must be packaged in suitable containers which identifies the contents as alligator meat, is marked with a valid Department license number and comply with all state and federal packaging and labeling requirements. Violation of this part is a class 3 violation as described in Title 56.

6. All alligator meat shipped into the state and being offered for sale must meet all of Louisiana's health, processing, packaging and labeling requirements. Violation of this part is a class 3 violation as described in Title 56.

M. Disposal of Alligators by the Department.

1. The Department may sell alligators, alligator eggs or parts of alligators taken for any purpose deemed necessary for proper management of the species pursuant to Title 56.

2. The Department may dispose of alligators, alligator eggs, or parts of alligators by donation or lending to a scientific institution or other institutions that the Department deems have need for such alligators, however these institutions cannot sell or barter these animals and must be returned to the Department at the conclusion of the program or need.

3. Confiscated alligator hides and parts may be destroyed by the Department pending the outcome of the criminal trial.

4. Confiscated live alligator eggs or alligators will be cared for by the Department and released in suitable alligator habitat when and where they can survive. All costs incurred by the Department in the maintenance of these eggs and animals in captivity shall be the responsibility of the offender and restitution shall be made to the Department.

N. Alligator Egg Collection.

1. Alligator egg collection permits are a three party permit between the Department, the permittee and a landowner/manager who owns or leases alligator nesting habitat determined by Department biologists to be capable of producing alligator

eggs. The numbers of eggs to be collected will be based upon biological management criteria and will be determined annually by technical staff of the Department. The Department only estimates the numbers of eggs available and assumes no responsibility or offers no guarantee that those numbers of eggs will be available. Alligator egg collection permits may be obtained upon application to the Department on forms provided by the Department. The annual deadline for submitting applications for Alligator Egg Collection Permits is June 1. This program is experimental and may be changed at any time based on biological data to insure for proper management of the wild alligator population.

2. Alligator egg collection permits may be issued by the Department provided:

(a) Permittee is a properly licensed alligator farmer and meets all applicable requirements in Subsection 0 of these regulations (Alligator Farm Facility Requirements).

(b) All land documentation required on the alligator egg collection permit has been presented to the Department.

(c) Department biologists determine the properties described on the permit application are indeed alligator nesting habitat and can sustain alligator egg collections.

(d) Applicant has obtained all legal and necessary signatures from landowners/land managers.

Violation of this part is a class 7A violation as described in Title 56.

3. It is unlawful for an alligator farmer or a permitted Designated Collection Agent to collect eggs from properties other than those described in the alligator egg collection permit. Violation of this part is a class 7A violation as described in Title 56.

4. An alligator farmer or designated collection agent in the act of collecting or possessing alligator eggs must possess on his or her person a copy of the fully executed alligator egg collection permit. The designated collection agent must also possess a valid designated collection agent permit. Violation of this part is a class 7A violation as described in Title 56.

5. Collection of wild alligator eggs can only be made after contacting the appropriate Department Enforcement Agent no less than 24 hours prior to each collection trip. Violation of this part is a class 7A violation as described in Title

56.

6. Alligator eggs can only be collected from the wild from official sunrise to official sunset and only during the established alligator egg collection season. Violation of this part is a class 7A violation as described in Title 56.

7. Alligator eggs collected from the wild must be collected and transported in a manner which insures the greatest survival of viable eggs as determined by Department biologists. Violation of this part is a class 7A violation as described in Title 56.

8. Each clutch of alligator eggs collected should be maintained as a separate entity from time of collection through incubation and hatching.

9. Failure to hatch at least 70% of viable alligator eggs collected from the wild shall be considered a waste of Louisiana's natural resources. All alligator egg collection permits shall be revoked and no new permits issued should an alligator farmer be found to waste the resources of this state for two consecutive years.

10. Alligator egg collection permits shall be revoked and no new permits issued to alligator farmers who fail to average a minimum hatchling survival rate of 85% for two consecutive years.

11. The alligator egg collection permittee and the landowner are responsible for returning the percentage of live alligators to the wild described on the alligator egg collection permit. This requirement is nontransferable. Minimum return rates will be based upon the state average hatching success which is 78%. Each alligator shall be returned to the original egg collection area. Each alligator shall be a minimum of 48" in size and the returned sex ratio should contain at least 50% females. The Department shall be responsible for supervising the required return of these alligators. Releases back to the wild will only occur between April 15 and September 15 of each calendar year. Should an alligator egg collection permittee be unable to release the required number of alligators to the wild from his own stock, he shall be required to purchase additional alligators from another farmer to meet compliance with the alligator egg collection permit and these regulations, as supervised by the Department. Department sanctioned participants in ongoing studies involving survivability and return rates are exempt from these requirements during the period of the study. Violation of this part is a class 7A violation as described in Title 56.

12. The percentage of 48" alligators to be returned to the wild shall be selected from the healthiest of all alligators of that year class. Abnormal or deformed alligators are not acceptable for release into the wild. It is unlawful for alligators that are to be returned to the wild to be transported out of state. Violation of this part is a class 7A violation as described in Title 56.

O. Alligator Farm Facility Requirements.

1. All first time applicants for a nongame quadruped breeder's or exhibitor's license who will house alligators on their premises shall show compliance of the following minimum facilities as applicable to their particular operation during a required facility examination by Department personnel prior to license issuance:

(a) Secured premises with adequate barriers to prevent escape of enclosed alligators and entry by alligators from outside the farm and to deter theft of alligators.

(b) Source of clean, fresh water which shall be adequate to ensure for proper care of all alligator stock and facilities. This requirement shall be determined by Department personnel.

(c) Provisions for both dry area and pooled water within the secured area adequate for the numbers of alligators to be housed on the premises. This requirement will be determined by Department personnel.

(d) Provision for winter protection, either through adequate denning space or an enclosed, controlled-temperature environment of a design acceptable to the Department.

(e) All controlled-temperature alligator sheds shall be of a design acceptable to the Department. Each shed shall be capable of maintaining a minimum constant temperature of 80 degrees fahrenheit. Minimum space requirements for alligators housed in the shed shall be:

(i) One square foot of space shall be required for each alligator less than 24" in length.

(ii) Three square feet of space shall be required for each alligator measuring 25" to 48" in length.

(iii) One additional square foot of space shall be required for each additional 6 inches of alligator length for alligators above four feet in length.

(f) All alligator egg incubators shall be of a design acceptable to the Department. Each incubator shall maintain a water and air temperature of 85 to 91 degrees fahrenheit during the egg incubation.

(g) Applicant must be in compliance with all laws and regulations pertaining to zoning, construction, health and environmental standards and must possess any and all applicable permits and licenses.

(h) All alligator facilities should be constructed in an suitable location so as to minimize contact with people.

2. Following initial issuance of applicable license, all applicable facility requirements shall be adhered to and Department personnel have the authority to inspect any and all of the facilities at any time. Failure to adhere to the requirements shall be a violation of these rules and violators will be given 60 days to correct the problem. Failure to comply shall result in confiscation of all animals and/or closure of all facilities. Violation of this part is a class 7A violation as described in Title 56.

3. All alligator farmers possessing alligator eggs outside an alligator nest should house these eggs in identifiable original clutch groups in an incubator providing constant temperature and humidity conditions. All incubators used to incubate alligator eggs shall be of a design to allow for maximum temperature control and conform to Department requirements to allow for the maximum hatching success. Violation of this part is a class 7A violation as described in Title 56.

4. All alligator farmers possessing alligator hatchlings shall house hatchlings in controlled environmental chambers capable of maintaining a minimum temperature of 80 degrees fahrenheit year round and containing dry and wet areas of sufficient surface area to permit all alligators to completely submerge in water and completely exit from water and orient in any direction, without touching the sides of the chambers. All alligators 48" or less in length shall be housed in environmental chambers unless a special permit is issued by the Department to move them to outside growth areas. Violation of this part is a class 7A violation as described in Title 56.

5. Alligator farmers shall house alligators of different lengths into at least three groups, providing separation for all alligators less than two feet in length, two to four feet in length, and over four feet in length. Land and water areas sufficient for complete submersion or complete exit from water shall be provided for each group of alligators held.

Violation of this part is a class 7A violation as described in Title 56.

6. Nesting activity of captive alligators shall be recorded with weekly accounts of nests constructed, eggs collected, number of viable eggs set and hatching success. Violation of this part is a class 3 violation as described in Title 56.

7. Complete written records shall be maintained by the license holder and shall be submitted to the Department on a standardized annual report form provided by the Department, which shall be provided as part of the annual license renewal. These reports must be submitted no later than December 31 of each year. Violation of this part is a class 3 violation as described in Title 56.

8. All facilities, alligator stock, and records are subject to examination by Department personnel prior to permitting and thereafter during farm operation. Violation of this part is a class 7A violation as described in Title 56.

9. It shall be unlawful for alligator eggs or alligators to be moved from a licensed premises without approval of the Department. Violation of this part is a class 7A violation as described in Title 56.

P. Exceptions.

1. These regulations do not require licenses, labels, or permits for consumers who purchase or possess goods processed or manufactured from alligators which have been legally taken or raised, provided that such goods are used by the consumer and are not sold or bartered in conjunction with a wholesale or retail business activity.

2. The Department or an authorized representative of the Department may take by any means and possess alligators or parts of alligators while in the performance of official duties.

3. These regulations shall not prohibit a person from killing an alligator in immediate defense of his or her life or the lives of others. Alligators killed under this provision must be reported to the Department within 24 hours. Violation of this part is a class 2 violation as described in Title 56.

4. These regulations do not require a state license or permit of persons who deal in finished alligator leather products.

Q. Penalty for Violation.

1. In order to facilitate greater control over alligator

trafficking, the Louisiana Department of Wildlife and Fisheries finds that public welfare imperatively requires emergency action when the provisions of these regulations are violated.

2. If citations are issued for a violation of these regulations, all licenses and tags belonging to or in the possession of the cited party shall be suspended until such time as the said party appears before Department officials for purposes of reviewing the citations issued. The Secretary, after reviewing the proceedings may reinstate or revoke the suspension. The alleged violator may lose all rights and privileges to participate in this program if found guilty by criminal or civil process.

3. The Department shall have the authority to confiscate any alligators or alligator eggs from any person or facility that is not caring for the alligators or alligator eggs in a humane manner. Inhumane treatment of alligators or alligator eggs consists but is not limited to conditions which could have an adverse effect upon the alligators or alligator eggs such as sanitary conditions, temperature control, feeding, or overcrowding. The confiscated alligators and alligator eggs shall be disposed of as the Department deems necessary. Inhumane treatment of alligators or alligator eggs is a class 7A violation as described in Title 56.

4. In addition to all penalties set forth herein, violators may be subject to criminal prosecution under provisions of the Louisiana Revised Statutes, particularly Titles 14 and 56 and under Federal law.

5. In addition to all other penalties provided by these rules and by statute, violation of any part of these regulations may result in the suspension and/or revocation of any or all alligator licenses held by the violator and, as further penalty, for serious, repeat, or multiple violations, the Department shall have the right to deny a violator any and all licenses relating to alligators for a period not to exceed three (3) years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:260, 262, 262.1 and 262.2.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 16: (1990).

Jimmy Jenkins
Chairman



VIRGINIA VAN SICKLE
SECRETARY

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BUDDY ROEMER
GOVERNOR

November 21, 1990

M E M O R A N D U M

TO: Commission Members

FROM: Tommy Prickett *TP/dsg*
Fur and Refuge Division

SUBJECT: Commission Agenda

At the December 6/7, 1990 Commission meeting, I would like to make a non-substantive change to the Fox/Coyote Trapping Regulations. Page 3, #12 of the regulations should read:

12. LDWF Approved Applicant - a person who has had no major wildlife or fish violations during the past three years, who has a minimum of 2 years of trapping experience and who is at least 15 years old.

Please note that this change does not require Commission action.

If you have any questions, please contact me.

TP:dsg

DECLARATION OF EMERGENCY

DEPARTMENT OF WILDLIFE AND FISHERIES WILDLIFE AND FISHERIES COMMISSION

FOX/COYOTE HUNTING PRESERVES, PURCHASE AND SALE OF LIVE FOXES AND COYOTES, PERMITTING YEAR ROUND COYOTE TRAPPING REGULATIONS

In accordance with the emergency provisions of R.S. 49:953(b), the Administrative Procedures Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to establish regulations, and R.S. 56:262.1, the Secretary of the Department of Wildlife and Fisheries hereby finds that an imminent peril to the public welfare exists and accordingly adopts the following regulations:

A. PURPOSE

These regulations are to govern the purchasing, selling and holding in captivity of live foxes and coyotes for chasing with hounds. These emergency regulations will prohibit the importation and exportation of any species of foxes or coyotes to or from Louisiana in an effort to prevent possible disease and parasite contamination of native wild canids. Humans are subject to infection with the liver being the most common site of larval growth. The infection is termed alveolar hydatid disease (AHD). The number of deaths per number of infected individuals has been 50-75%. These regulations are also enacted to allow the sport of fox/coyote hunting with dogs within enclosed areas. The regulations provide general rules including licensing, permits, fees, live trapping, sale and purchase of animals, holding cage requirements, enclosure requirements, acclimation requirements and report requirements.

B. DEFINITIONS

1. Acclimation Pen - an area which is built within or adjacent to fox/coyote hunting preserves which will contain game and exclude hounds and which will allow game to become acclimated to an enclosed environment.
2. Bill of Sale - receipt showing the amount of game purchased, the date of purchase, and the person from whom the game was purchased.
3. Bona Fide Resident- any person who has resided in the state of Louisiana continuously during the twelve months immediately prior to the date on which he applies for any license and who has manifested his intent to remain in this state by establishing Louisiana as his legal domicile as demonstrated with all of the following, as applicable:

- a. If registered to vote, he is registered to vote in Louisiana.
 - b. If licensed to drive a motor vehicle, he is in possession of a Louisiana registration for that vehicle.
 - c. If owning a motor vehicle located within Louisiana, he is in possession of a Louisiana registration for that vehicle.
 - d. If earning an income, he has filed a Louisiana state income tax return and has complied with state income tax laws and regulations.
 - e. As to a corporation or other legal entity, a resident shall be any which is incorporated or otherwise organized under and subject to the laws of Louisiana, and as to which the principal place of business and more than fifty percent of the offices, partners, or employees are domiciled in Louisiana.
- 4. Box Trap - a drop-door type of trap that upon the games entry into the device encloses and detains the game.
 - 5. Closed Season - that period of time of the calendar year not specifically included in the open season.
 - 6. Department - the Louisiana Department of Wildlife and Fisheries.
 - 7. Enclosure - (See "Fox/Coyote Hunting Preserve").
 - 8. Fox/Coyote Hunting Preserve - an area which is completely enclosed by adequate fencing to contain game and hounds which is built and maintained for the purpose of training or chasing game with hounds.
 - 9. Fox/Coyote Hunting Preserve Operator - anyone acting as an agent of the owner in caring for or managing the maintenance and/or business of the preserve.
 - 10. Fox/Coyote Hunting Preserve Owner - anyone who legally has possession or has legally leased property on which the enclosure is established.
 - 11. Game - any red fox or grey fox or coyote stocked in a fox/coyote hunting preserve for the purpose of dog training and/or chasing with hounds.

12. LDWF Approved Applicant - a person who has had no major wildlife or fish violations during the past three years, who has purchased a trapping license for at least the past two consecutive years, and who is at least 15 years old.
13. Landowner - any person who owns land on which traps are set.
14. Licensee - any resident or nonresident lawful holder of an effective license duly issued under the authority of the Department.
15. Non-game quadruped - alligators, beavers, bobcats, coyotes, grey foxes, minks, muskrats, nutrias, opossums, otters, raccoons, red foxes, skunks and other wild quadrupeds valuable for their furs or skins.
16. Non-game quadruped breeder - any person properly licensed to engage in the business of raising, exhibiting and selling non-game quadrupeds.
17. Non-game quadruped exhibitor - any person properly licensed to engage in the business of raising and/or exhibiting non-game quadrupeds.
18. Non-target animal - any animal other than red fox, grey fox or coyote.
19. Permittee - any person who has obtained a valid permit from the Department for trapping coyotes during the closed season.
20. Person - includes any individual person, association, corporation, partnership, or other legal entity recognized by law.
21. Possess - In its different tenses, the act of having in possession or control, keeping, detaining, restraining, holding as owner, or as agent, bailee, or custodian for another.
22. Raising - the production of red fox, gray fox, or coyotes in controlled environmental conditions or in outside facilities.
23. Rearing - (See "Raising").
24. Relaxing Lock - locking device on a snare that loosens and tightens in response to the game's

action.

- 25. Resident - (See "Bona Fide Resident").
- 26. Snare - wire device used for taking non-game quadrupeds.
- 26. Soft Catch™ - Trap (manufactured by Woodstream Corporation), no modifications.
- 27. Take - In its different tenses, the attempt or act of hooking, pursuing, netting, capturing, snaring, trapping, shooting, hunting, wounding, or killing by any means or device.
- 28. Transport - In its different tenses, the act of shipping, attempting to ship, receiving or delivering for shipment, transporting, conveying, carrying, or exporting by air, land, or water, or by any means whatsoever.
- 29. Trap - any device used in the capture of birds, quadrupeds or fish.
- 30. Trapper - any person properly licensed by the Department engaged in the trapping of nongame quadrupeds.

C. LICENSES, PERMITS, AND FEES

The licenses and fees required for activities authorized by these regulations are as prescribed under provisions of Title 56, or as prescribed in these regulations, and are:

- 1) \$10 for a resident nongame quadruped exhibitors license.
- 2) \$25 for a resident nongame quadruped breeder license.
- 3) \$25 for a resident trappers license.
- 4) A temporary special permit which may be issued to a Louisiana Department of Wildlife and Fisheries approved applicant (authority granted by La. Laws pertaining to Wildlife and Fisheries R.S. 56:123 (C) for the trapping of coyotes only, outside of the annual trapping season. In order for the permittee to sell live coyotes he must also possess a nongame quadruped breeders license (\$25) (Authority 56:262.1) and a valid trapping license. This permit will be valid only until the final rule is adopted, at which time the permittee must obtain another special permit and pay any administrative fees.

- 5) Upon payment of \$10 a nongame quadruped exhibitors license may be issued permitting the applicant to breed and/or exhibit such animals provided he meets the rules and regulations of the Department.
- 6) Upon payment of \$25 a nongame quadruped breeder license may be issued permitting the applicant to breed, propagate, exhibit, and sell such animals alive.

D. GENERAL RULES

- 1) No person shall take, possess, purchase or sell live foxes or coyotes, except as provided in these regulations and Louisiana R.S. Title 56.
- 2) No person shall hold in captivity any live foxes or coyotes, except as provided in these regulations and Louisiana R.S. Title 56.
- 3) Fox/Coyote hunting preserves shall be of a type and construction such that it will insure the normal containment of both foxes, coyotes and hounds.
- 4) Fox/Coyote hunting preserves shall contain an adequate number of escape areas which are houndproof. These may be provided by maintaining thickets, brush piles, windrows, or where natural cover is insufficient, by providing manmade escapes such as culverts or houndproof feeding stations.
- 5) The owners of fox/coyote hunting preserves shall be required to make available to the game:
 - a) Food that is palatable, uncontaminated and nutritionally adequate to ensure normal growth and maintenance.
 - b) Water which is fresh, uncontaminated and available at all times.
- 6) No person shall transport, possess, purchase or sell any live foxes or coyotes taken outside the state of Louisiana. Live foxes and coyotes obtained from outside the State of Louisiana prior to the enacted date of these regulations and in possession of properly licensed persons shall be exempt.
- 7) No person shall transport from the state or offer for sale out of state any live foxes or coyotes.
- 8) Acclimation pens shall be constructed adjacent to or within an enclosure to insure the containment of foxes and

coyotes and the exclusion of hounds. This requirement may be waived for "training enclosures" or in enclosures where running is discontinued for a minimum of 2 weeks while foxes/coyotes adjust to the enclosure environment.

- 9) No person may engage in the business of raising or exhibiting or otherwise possessing fox or coyotes for the purpose of operating a fox/coyote hunting preserve unless he or she has acquired and possesses a valid nongame quadruped breeder or exhibitor license.
- 10) A licensed trapper may offer for sale such live animals to any licensed nongame quadruped breeder or exhibitor during the open trapping season. During any such transactions, a bill of sale must be provided by the trapper to the nongame breeder or exhibitor and retained for a period of one year.
- 11) Permittees (trapping coyotes during the closed trapping season) will be required to use only the "soft catch" type trap not to exceed a size #1 1/2, or a box-type trap, or a snare with a relaxing lock.
- 12) Permittees trapping coyotes during the closed trapping season and licensed as a nongame quadruped breeder may offer for sale such coyotes. During any such transaction, a bill of sale must be provided by the seller to the purchaser and retained for a period of one year by the purchaser.
- 13) It shall be unlawful to trap coyotes during the closed trapping season without a permit issued by the Department.
- 14) Permittees will be required to check traps daily.
- 15) Permittees will be required to have in possession written permission from the landowners or lessee where traps are set.
- 16) Permittees shall release all nontarget species in a manner so as to keep stress or injury minimal.
- 17) It shall be unlawful to sell native wild foxes or coyotes outside the State of Louisiana.
- 18) Trappers and permittees who hold game for more than one day for sale shall confine animals at a rate of no more than one fox per 9 square feet and one coyote per 17 square feet. The cage must be high enough for each animal to easily sit or stand. The cage must be escape-proof and offer protection from adverse weather.

- 19) Fox/Coyote hunting preserves shall be exempt from the Commission action which prohibits the running of coyotes during the open turkey season.
- 20) The Louisiana Department of Wildlife and Fisheries has the authority to conduct disease investigations at any time and pending the results of the disease investigations has the authority to quarantine fox/coyote hunting preserves if deemed necessary. The Department also has the authority to prohibit the release of animals that are diseased or have been exposed to diseased animals.
- 21) The owners of fox/coyote hunting preserves shall be required to immediately report to the Department the occurrence of any disease contracted by captive fox or coyotes. These diseases include but are not limited to rabies, canine distemper, sarcoptic mange or Echinococcus infections.

E. REPORT REQUIREMENTS

- 1) Report forms provided by the Department must be completed and filed with the Department by all persons who have been issued a nongame quadruped breeder or exhibitor license or who have been issued a special permit allowing the trapping of coyotes only in the closed season in accordance with this subsection. Reports shall include but not be limited to the information specified in subsection 262.1(d). Failure to complete these forms properly and completely will result in non-renewal of the nongame quadruped breeder or exhibitor license.
- 2) All licensed nongame quadruped exhibitors will be required to include information regarding numbers of animals by species in captivity, number of known losses (death or escape), number of animals by species purchased and the sources of game purchases.
- 3) All licensed nongame quadruped breeders will be required to include information regarding numbers of animals by species in captivity, numbers of losses, numbers of animals by species purchased and the sources of game purchases, and number of sales by species and the person who bought the game.

F. PENALTY FOR VIOLATION

Violation of these regulations will be a Class II violation with the following exceptions:

- 1) Violation of the license requirements for nongame quadruped breeders and nongame quadruped exhibitors shall

be a Class III violation (See C-1, C-2 and D-2).

- 2) Violation of the reporting requirements shall be a Class III violation (See E-1, E-2, and E-3).
- 3) Violation of the regulations pertaining to import of foxes and/or coyotes into the state or export of foxes and/or coyotes from the state shall be a Class IV violation (See D-6 and D-7).

Warren Pol
Chairman

EMERGENCY RESOLUTION

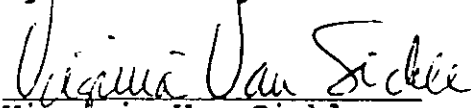
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

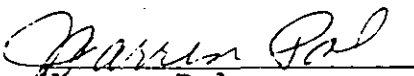
FOX/COYOTE HUNTING PRESERVE REGULATIONS

- WHEREAS, Fox hunting or chasing with hounds is one of the oldest forms of recreation still in existence and the sport of fox hunting was brought to North America with the early English settlers and has remained a tradition especially in the South; and
- WHEREAS, In the past 10 to 20 years fox hunting opportunities have dwindled as habitat loss through development and leasing of forest lands has escalated; and
- WHEREAS, In an effort to save the sport, concerned fox hunters have leased lands, built enclosures and stocked these areas with both fox and coyote and can enjoy a race without fear of losing dogs to vehicular traffic or offending other hunters or land owners; and
- WHEREAS, The Louisiana Department of Wildlife and Fisheries has the authority under state statute to establish rules and regulations pertaining to captive non-game quadrupeds; and
- WHEREAS, The Department has licensed and regulated fox/coyote hunting preserves under the provisions of SR 56:262.1 issuing non-game quadruped exhibitor or breeder licenses; and
- WHEREAS, The Department has now determined that the import or export of foxes or coyotes should be prohibited to guard against public health threats as well as wildlife disease threats; and
- WHEREAS, The Department under 56:123C has the authority to permit trapping of coyotes outside of the trapping season and under provisions of 56:262.1 and 56:260 to permit the sale by trappers and licensed non-game quadruped breeders during the open trapping season and by a non-game quadruped breeder year round;

THEREFORE, BE IT RESOLVED, That the Louisiana Wildlife and Fisheries Commission does hereby adopt the emergency regulations for administering all aspects of fox/coyote hunting preserves, purchases, sale and special trapping permits to allow year round coyote trapping which are attached and made part of this resolution.

BE IT FURTHER RESOLVED, That the Louisiana Wildlife and Fisheries Commission does hereby authorize and delegate to the Secretary of the Department of Wildlife and Fisheries, the authority to take any and all necessary steps on behalf of the Commission to promulgate and effectuate these emergency regulations and the final rule, including but not limited to the filing of the Fiscal and Economic Impact Statements, the filing of the Notice of Intent and preparation of reports and correspondence to other agencies of government.


Virginia Van Sickle
Secretary


Warren Pol
Chairman

October 4, 1990

RULE

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Title 76
Wildlife and Fisheries

Part VII Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

Section 337. Taking and Possession of Jewfish Prohibited

The Louisiana Wildlife and Fisheries Commission hereby prohibits the taking and possession of jewfish (Epinephelus itajara) from within or without Louisiana waters for the three year period November 1, 1990 to October 31, 1993.

AUTHORITY NOTE: Promulgated in accordance with R.S.56:22

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries,
Wildlife and Fisheries Commission, L.R.16: (December, 1990).

Jimmy Jenkins
Chairman

8

MARINE FINFISH SECTION
(December 1990 Update)

The Finfish Section was established as a result of Act 295 of the 1984 Legislative Session. This Act created a new license for recreational saltwater fishermen, a new sellers license for commercial saltwater fishermen and directed that the proceeds of these licenses and gear licenses required for taking saltwater commercial finfish be used "for the purpose of supporting research, management, and administration of saltwater finfish by the saltwater finfish section of the seafood division." The primary stimulus for the passage of Act 295 was the set of recommendations made by the Governor's Task Force on Saltwater Finfish Management. The section became operational in mid-summer of 1985, although it has never been fully staffed as originally conceived.

The main activity of the section has been an ongoing coast-wide fishery independent sampling program utilizing bag seines, gill nets and trammel nets to monitor relative abundance and year class strength of coastal finfish populations. A standardized temporal and spatial sampling protocol consisting of approximately 1,700 samples per year has been developed and implemented since 1986 (see map). All finfish databases are computerized and updated on a monthly basis. Mesh size selectivity information is recorded for all species and some life history information for selected species is also recorded (e.g. size, maturity and gonadal development, food, etc.). Personnel have monitored fish kills of local and regional natures. They participate in fishery dependent monitoring by collecting commercial landings data through a dealer reporting system and managing the collection of trip interview data for selected commercial species by LSU/CFI has been completed. A MARFIN funded red drum research project including tagging, reproductive biology, age and growth and stock assessment studies in cooperation with LSU/CFI has been completed. A striped mullet life history study and a study of tuna and shark fisheries are ongoing in cooperation with LSU/CFI. An experimental recreational creel survey has recently been completed and is in the process of analysis. Personnel administer and monitor the state's saltwater experimental fisheries program, and commercial activity under Departmental permits for adult black drum, pompano, and shark, and assist in monitoring the State's mariculture permit program. They oversee the state's Artificial Reef Program, and contribute to development and evaluations of application for Wallop-Breaux funds for enhancing recreational fishing in coastal waters.

The major objective of the section is to develop and maintain a database of scientific information which can be used to make rational recommendations for the management of coastal finfish stocks. Preliminary "Biological and Fisheries Profile" documents have been developed for the following species: spotted seatrout, red drum, black drum, striped mullet, southern flounder, Atlantic croaker, spot, cobia, king and spanish mackerel, red snapper, and several grouper species. These profiles include information on: nomenclature, taxonomy, morphology, distribution, reproduction, nutrition and growth, behavior, environmental tolerances, habitat, and directed fishing activities. Some of these profiles are currently being updated and expanded with the assistance of members of the Marine Finfish Technical Working Group and will be used as source documents for the development of individual Fishery Management Plans (FMPs). The FMP for the black drum has been completed, and is now being used as a basis for the management of the black drum resource of the state. Drafts of the biological and fishery profile sections of the FMPs have been produced for spotted seatrout,

red drum, mullet, and sand seatrout, and these are in the process of in-house review. The stock assessment and recommended management measures for these species are in preparation. The section is currently examining alternative management strategies for red snapper, a gulf-wide priority. The new Fisheries Research Division's finfish efforts are concentrating on assessing the status of the fisheries stocks, especially those that appear to be overfished, predicting the effects of various fisheries management regimes on those stocks and on the economics of the state.

Since its creation, section personnel have participated in numerous legislative and commission hearings and routinely provide input to department administrators, the legislature and the commission in the development of management programs. Personnel have also contributed their expertise by sitting on various committees of the Gulf of Mexico Fishery Management Council and the Gulf States Marine Fisheries Commission.

MARINE FINFISH BUDGET

	FY 87/88	FY 88/89	FY 89/90
NUMBER OF EMPLOYEES			
Administrative	2.2	1.9	2.2
Field	20.0	26.0	26.0
TOTAL	22.2	27.9	28.2
SALARIES			
Administrative	\$ 74,587	\$ 73,857	\$ 85,797
Field	386,584	368,465	603,144
TOTAL	\$ 461,171	442,322	\$ 688,941
OPERATING EXPENSES	\$ 187,559	\$ 92,980	\$ 323,788
EQUIPMENT	\$ 43,198	\$ 359,622	\$ 226,321
SUBTOTAL (Direct Expenses)	\$ 691,928	\$ 894,924	\$ 1,239,050
INDIRECT EXPENSES (33.1% of Salary)	\$ 152,648	\$ 146,409	\$ 228,039
TOTAL EXPENSES FINFISH SECTION	\$ 844,576	\$ 1,041,333	\$ 1,467,089
DEDICATED FINFISH REVENUE	\$ 1,133,803	\$ 1,200,568	

MARINE FINFISH BUDGET

	PROJECTED FY 90/91
SALARIES	
Administrative	\$ 112,550
Field	665,960
TOTAL	\$ 778,510
OPERATING EXPENSES	\$ 336,739
EQUIPMENT	\$ 244,426
SUBTOTAL (Direct Expenses)	\$ 1,359,675
INDIRECT EXPENSES (33.1% of Salary)	\$ 257,686
TOTAL EXPENSES FINFISH SECTION	\$ 1,617,361
DEDICATED FINFISH REVENUE	\$

NUMBER OF SAMPLES TAKEN BY FINFISH SECTION FISCAL YEAR

FISCAL YEAR	GILL NET	TRAMMEL NET	SEINE	TOTAL
July 1987 - June 1988	897	205	546	1,648
July 1988 - June 1989	925	190	476	1,591
July 1989 - June 1990	956	223	485	1,664
TOTAL	2,778	618	1,507	4,903

ALLIGATOR PROGRAM UPDATE
6 December 1990

1990-91 Projected Revenue	\$852,850
Approved Budget	511,682
Collection through 31 October 1990	\$440,984
Expenditures through 31 October 1990	199,936

Expenditure Breakdown

Salaries	\$45,015
Travel	497
Operating Services	109,641
Supplies	17,698
Other Charges	26,756
Acquisitions	<u>330</u>
	\$199,936

Personnel Vacancies

Alligator Farm Biologist - Civil Service list of eligible candidates requested.

Alligator Biologist Non-Marsh - Interviews conducted 3 December 1990 and a candidate has been selected.

Alligator Biologist Aids - 4 Positions - Civil Service list of eligible candidates has been requested.

--CURRENT MONTH --		----- YEAR TO DATE -----			ENCUMBERED	NEXT MONTH BUDGET	REMAINING ANNUAL BUDGET
ACTUAL	OBJECT	DESCRIPTION	ACTUAL	BETTER/WORSE- BUDGET			
10,893.72	2112	SALARIES - REGULAR	34,081.35	2,995	.00	18,997	154,970
.00	2116	SALARIES - TERMINATION	4,891.17	4,891-	.00	0	*****4,891-
1,165.64	2132	RETIREMENT CONTRIB - STATE	3,646.85	343	.00	2,044	16,693
49.62	2143	MEDICARE (FICA) TAX	153.56	140-	.00	7	*****86-
704.92	2146	GROUP INSURANCE CONTRIBUTIONS	2,241.70	217	.00	1,229	10,051
12,813.90	TOTAL	PERSONAL SERVICES	45,014.63	1,476-	.00	22,277	176,737
32.00	2216	IN-STATE TRAVEL - FIELD	497.36	703	.00	600	5,503
.00	2224	OUT-OF-STATE TRAVEL - CONFEREN	.00	150	.00	75	750
32.00	TOTAL	TRAVEL	497.36	853	.00	675	6,253
.00	2300	ADVERTISING	.00	50	.00	25	250
10.47	2310	PRINTING	23.22	2,977	4,062.00	1,500	10,915
.00	2332	MAINT OF PROP & EQUIP - AUTO	245.48	145-	.00	50	255
.00	2334	MAINT OF PROP & EQUIP - OTHER	.00	500	.00	250	2,500
.00	2340	RENTALS	54,195.00	37,155-	51,000.00	8,520	*****19,995-
28.09	2360	POSTAGE	34.02	116	.00	75	716
71.76	2370	TELEPHONE AND TELEGRAPH	71.76	72-	.00	0	*****72-
.00	2396	OTHER OP SERVICES - MISC	10.00	190	.00	100	990
110.32	TOTAL	OPERATING SERVICES	54,579.48	33,539-	55,062.00	10,520	*****4,441-
13.35	2410	OFFICE SUPPLIES	13.35	377	.00	195	1,937
850.08	2424	OPERATING SUPPLIES - FOOD	1,364.08	1,316	10,000.00	1,340	2,036
.00	2425	OPERATING SUPPLIES - AUTO	1,032.51	1,317	.00	1,175	10,717
3,491.65	2426	OPERATING SUPPLIES - OTHER	4,337.19	1,274-	.00	1,532	10,979
.00	2442	REP & MAINT SUPPLIES - AUTO	.00	40	.00	20	200
.00	2444	REP & MAINT SUPPLIES - OTHER	951.14	1,949	.00	1,450	13,549
4,355.08	TOTAL	SUPPLIES	7,498.27	3,725	10,000.00	5,712	39,418
5,000.00	2650	MISCELLANEOUS CHARGES	20,000.00	12,500-	.00	3,750	17,500
.00	2658	OTHER CHARGES-PROF.SERVICES	6,756.00	6,756-	.00	0	*****6,756-
5,000.00	TOTAL	OTHER CHARGES	26,756.00	19,256-	.00	3,750	10,744
.00	2722	ACQUISITIONS - AUTOMOTIVE	328.35	328-	.00	0	*****328-
.00	2738	ACQUISITIONS - BOATS & AIRCFT	.00	15,000	.00	7,500	75,000
.00	2740	ACQUISITIONS - COMMUNICAT EQPT	.00	400	.00	200	2,000
.00	2742	ACQUISITIONS - OTHER EQUIPMENT	.00	900	.00	450	4,500
.00	2754	MAJOR REPAIRS - BUILDINGS	.00	1,000	.00	500	5,000
.00	2776	MAJOR REPAIRS - BOATS & AIRCFT	.00	1,200	.00	600	6,000
.00	TOTAL	CAPITAL OUTLAYS	328.35	18,172	.00	9,250	92,172
22,311.30		TOTAL EXPENDITURES	134,874.09	31,523-	65,062.00	52,183	320,882

28 November 1990

ALLIGATOR PROGRAM

REVENUE *	1988-89	1989-90	1990-91	1990-91	1990-91	1991-92
	<u>Actual</u>	<u>Actual</u>	<u>Projected</u>	<u>Rev. Proj.</u>	<u>Actual @ 10/90</u>	<u>Projected</u>
Licenses	11,637	34,424	15,000	16,250	10,494	50,000
Parts Dealer	4,650	5,550	5,000	4,400	1,600	6,000
Tags	85,778	340,620	275,000	594,000	310,141	600,000
Hides	30,513	98,547	40,000	110,000	109,849	60,000
Meat Retailer		755	1,200	700	110	1,200
Severance Taxes		6,553	15,000	37,500	7,790	37,500
Hatchling (labels)		<u>15,660</u>	<u>90,000</u>	<u>90,000</u>	<u>1,000</u>	<u>90,000</u>
TOTAL	<u>132,578</u>	<u>502,119</u>	<u>441,200</u>	<u>852,850</u>	<u>440,984</u>	<u>844,700</u>
EXPENDITURES		<u>Actual</u>	<u>Budget</u>			
Direct to cost center 22912	Not	213,700	511,682			
available						

* Revenue to Conservation Fund only; does not include:

- 1) Buyer, dealer and nongame licenses which apply to both fur and alligator
- 2) License revenue dedicated to the Fur & Alligator Advisory Council
- 3) Hide revenue which goes into MI Capital Improvement Fund or into Rockefeller Fund

72
13

JANUARY 1991

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		Deer season in areas 1 and 2 closes. New Year's Day. 1990 commercial licenses expire. Please renew early.	2	3	4	5 Peak waterfowl numbers in coastal Louisiana.
6	7	8	9	10	11 Bright red berries persist on dormant deciduous holly in forests and along fence rows.	12
Deer season in area 4 closes.	Third quarter moon.					
13	14	New moon.	15	16	17	18
Deer season in area 1 closes.		Woodduck nesting begins.			Striped bass migrate up Mississippi and Atchafalaya rivers.	Crappie congregate in deep water, large schools.
20	21	22	23	24	25	26
Archery season closes.	Martin Luther King Day.		First quarter moon.			
27	28	29	30	31	DECEMBER 1990 S M T W T F S 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	FEBRUARY 1991 S M T W T F S 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28
Squirrel season closes.	Clean and repair purple martin nest boxes in anticipation of first arrivals in early February.		Full moon.			

FEBRUARY 1991

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
JANUARY 1991 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	MARCH 1991 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31					
3 Sac-a-lait fishing going full blast.	4	5	6 Third quarter moon.	7	8 Clean and repair eastern bluebird nest boxes.	9
10	11 Pre-spawn largemouth bass fishing.	12 Mardi Gras.	13 Ash Wednesday.	14 New moon.	15 White bass spawn.	16 Explosive "waagh" calls of eastern spadefoot toads heard around ponds formed after heavy rains.
17	18	19	20 Cover entrance to chimney if you do not enjoy the twittering of nesting chimney swifts.	21	22 Washington's Birthday.	23 Begin dewatering greentree reservoirs.
24 Sac-a-lait schools breaking up.	25 Presidents Day.	26	27	28 Quail and rabbit seasons close.		
24 Look for fragrant, yellow blossoms of sweet-leaf, a native shrub in our mesic forests.	25	26	27	28 Full moon.		

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

RESOLUTION

WHEREAS, in the recent past there has been one instance wherein, because of differing policy positions, attorneys in the Legal Section found it necessary to recuse themselves from representing the Commission and the Department, and the Commission and the Department were required to seek independent outside counsel to represent each of them in litigation pending against the Commission and the Department, and

WHEREAS, it is the desire of the Commission and the Department to avoid this situation, where possible, in the future and to have their respective interests represented by attorneys in the Legal Section, and

WHEREAS, the Commission and the Department acknowledge that this is desirable to avoid the cost of retaining private attorneys, and

WHEREAS, the Commission and the Department recognize that their interests are better served through representation by in-house counsel who are familiar with the day-to-day operations of the Department and the Commission, and who have an inherent vested interest in seeking resolutions which are in the best interest of the Commission and the Department which is greater than that which could be expected from a retained private counsel, and

WHEREAS, the Chairman of this Commission and the Secretary of the Department have requested the General Counsel to explore a method by which attorneys in the Legal Section can represent both the Commission and the Department, and

WHEREAS, the General Counsel has presented the Commission and the Department with a proposed agreement which would, at least in some instances, accomplish this purpose.

THEREFORE, BE IT RESOLVED that the Commission does hereby adopt the following agreement with the concurrence of the Department as indicated below.

1. This policy shall apply to all matters of litigation wherein both the Commission and the Department are parties to said litigation.
2. In all such litigation, the Commission and the Department shall endeavor to eliminate any conflict of positions and to adopt a common position which can be represented by a single attorney.
3. In those instances where this is not possible, the Commission shall be represented by the General Counsel and the Department shall be represented by the Senior Attorney; provided, however, that a reversal of this representation can occur if it is deemed by both parties to be in their respective best interests, and both parties approve.
4. It is further acknowledged and understood that if the attorneys undertake the representation of the Commission and the Department respectively that they are bound to and will assert the position(s) of their client in that litigation to the best of their ability and in accordance with the Rules of Professional Conduct for Attorneys even though that position is contrary to the position of the other party.
5. It is expressly agreed and understood that the representation by the attorneys in the Legal Section in accordance with the above arrangement and their efforts therein, shall not be used as the basis for any retaliation or disciplinary action by the Commission, the Department, or any of their members or staff.

6. It is expressly agreed and understood that in such an arrangement, the attorneys are ethically bound to maintain confidentiality of files and to avoid the use of common clerical personnel, and that in such situations, a means of separate confidential filing systems shall be provided as well as access to and use of individual clerical personnel.
7. It is further understood and agreed that the attorneys are bound by Rule 1.7 of the Rules of Professional Conduct and other rules to maintain loyalty to their respective clients, and to avoid conflicts of interest. In this regard it is acknowledged that it is the responsibility of each individual attorney to recuse himself if he believes that his representation will adversely affect his relationship with the other client.
8. It is, therefore, agreed and understood that each attorney shall retain the right to make the final decision as to whether representation in accordance with this arrangement is permissible even in those cases where the Commission and the Department have otherwise agreed to this arrangement.
9. In each such instance where the above arrangement is agreed to, a document shall be prepared setting out as specifically as possible the respective positions of the Commission and the Department and the attorney designated to represent each of them. This document shall be approved by formal resolution of the Commission and by the signature of the Secretary before representation takes place.
10. It is further agreed and acknowledged that in any instance wherein one or both attorneys has recused himself from representation of the Commission or the Department for ethical reasons, the Commission

and/or the Department, as the case may be, will seek representation from the Office of the Attorney General or from a private contract attorney.

11. In no instance will the Commission or the Department seek representation by attorneys in the Legal Section when the litigation involves claims asserted by the Department directly against the Commission or by the Commission directly against the Department, or in cases where there exists a dispute between the Commission and the Department relating to division of regulatory or administrative powers between themselves and/or the right to exercise any such powers.
12. This resolution may be modified by a formal resolution of this Commission with the concurrence of the Secretary of the Department.
13. This agreement may be terminated upon thirty (30) days written notice by the Commission or the Secretary of the Department to the other party.

Baton Rouge, Louisiana this ____ day of _____, 1990.

APPROVED:

JIMMY JENKINS, CHAIRMAN
LOUISIANA WILDLIFE AND
FISHERIES COMMISSION

APPROVED:

A. KELL MCINNIS,
ACTING SECRETARY
LOUISIANA DEPARTMENT OF
WILDLIFE AND FISHERIES



VIRGINIA VAN SICKLE
SECRETARY

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
BATON ROUGE, LA. 70898
PHONE (504) 765-2800

BUDDY ROEMER
GOVERNOR

November 26, 1990

M E M O R A N D U M

TO: Chairman and Members of Commission
FROM: A. Kell McInnis III, Acting Secretary
RE: December Board Meeting Agenda

The next regular public board meeting as set by the Commission will be at 2:00 p.m. on Thursday, 6th, 1990, at the Wildlife and Fisheries Building, Louisiana Room, 2000 Quail Drive, Baton Rouge, Louisiana.

On Friday, December 7th, 1990, the meeting will be continued at the same location at 9:00 a.m.

The following will be on the agenda:

1. Approval of Minutes of November 1-2, 1990

TOMMY PRICKETT

2. Ratification of Alligator Harvest Rules and Regulations
3. Fox/Coyote Pens - Non-substantive Change

BOB DENNIE

4. Resolution and Notices of Intent - Free ^{Recreational} Fishing Days
(Freshwater and Saltwater)

WADE BYRD

5. Louisiana Conservationist T.V. Magazine

JERRY CLARK

6. Ratification of Jewfish Rule

7. Marine Finfish Budget

8. ~~Spotted Seatrout and Red Drum Sampling Update~~

9. ~~Freshwater Fish - ~~Spotted Bass~~ ~~Striped Bass~~~~

WINTON VIDRINE

9. Law Enforcement Monthly Report - November

KELL MCINNIS

10. Acting Secretary's Report to the Commission

OTHER BUSINESS:

11. Set January 1991 and February 1991 Meeting Dates

12. ~~Executive Session~~ - ~~La Donk~~ ~~Stony~~ ~~off~~ ~~D. Puckett~~

Check w/ Don

PUBLIC COMMENT:

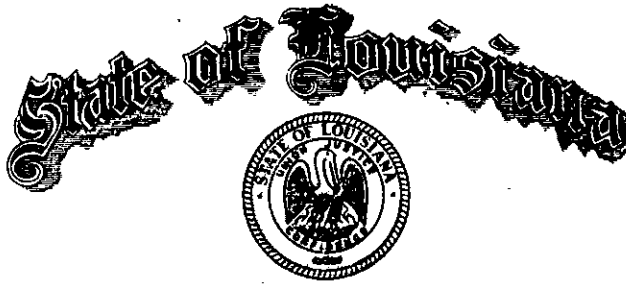
Don Puckett
Bettsie Baker - 0 m 2 9 0 20
Jerry Clark
Wade Byrd
John Medica
Division Chiefs

1:00 pm

all via p. clark
ask if want
to be done
(edit)
Head and Caudal Fin Contact Rule
(Faint)

debating

Memo - deadline:



VIRGINIA VAN SICKLE
SECRETARY

DEPARTMENT OF WILDLIFE AND FISHERIES
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PHONE (504) 765-2800

BUDDY ROEMER
GOVERNOR

November 5, 1990

M E M O R A N D U M

TO: Tommy Prickett
FROM: Sharyn Bateman *S.B.*
RE: Alligator Harvest Program Rule

Tommy, the alligator harvest program rule is due to come up for final ratification at the December Commission meeting so you will need to put it on the agenda. I know you had another declaration of emergency passed at the November Commission meeting but once the rule is passed in December it will go into effect on December 20, 1990. If there are any changes to the rule I will need a corrected original, if not it will go to the State Register as is. Thanks!

sb

Dec. items:

- ① Ratification of Alligator rules*
- ② Fox Pens - No substantive change
information only*

R
LA
WILDLIFE & FISHERIES
NOV 02 90
FUR & REFUGE
BATON ROUGE

Winton



VIRGINIA VAN SICKLE
SECRETARY

DEPARTMENT OF WILDLIFE AND FISHERIES
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BUDDY ROEMER
GOVERNOR

November 5, 1990

M E M O R A N D U M

TO: Assistant Secretary Office of Fisheries, Undersecretary
and Office of Wildlife Chiefs

FROM: A. Kell McInnis III, Acting Secretary *AKM*

RE: Commission Meeting Agenda - December 6-7, 1990

Please write on the bottom of this memo and return to Sharyn Bateman by Monday, November 19th, any agenda items your Office may have for the December 6-7, 1990, Commission meeting to be held in Baton Rouge, Louisiana, Wildlife and Fisheries Building, 2000 Quail Drive. If you do not have anything for the agenda, please return memo and indicate this on the bottom of this memo. We cannot add anything to the agenda that requires commission action after we have published the agenda in the state journal.

Resolutions and Notices of Intent should be included with the list of items to be placed on the agenda.

Thank you for your cooperation!

VVS/sb

C: Don Puckett
Bob Dennie
Winton Kidren

Case Report
WV.



VIRGINIA VAN SICKLE
SECRETARY

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BUDDY ROEMER
GOVERNOR

October 30, 1990

M E M O R A N D U M

To: Sharyn Bateman

From: Bettsie Baker
Undersecretary

A handwritten signature in cursive script, appearing to read "Bettsie", is written over the printed name "Bettsie Baker".

Please put "Oyster lease application methods" on the December meeting agenda.

Thanks!

BB/mag

ask - Bob + Jonathan if they hear anything >

Bob Dennie



VIRGINIA VAN SICKLE
SECRETARY

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INFORMATION &
EDUCATION DIV. JUDY ROEMER
GOVERNOR

November 5, 1990

M E M O R A N D U M

TO: Assistant Secretary Office of Fisheries, Undersecretary
and Office of Wildlife Chiefs

FROM: A. Kell McInnis III, Acting Secretary *AKM^{cm}*

RE: Commission Meeting Agenda - December 6-7, 1990

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Resolutions and Notices of Intent should be included with the list of items to be placed on the agenda.

Thank you for your cooperation!

VVS/sb

C: Don Puckett
Bob Dennie

*Paul Jackson will present the
Nat'l Fishing Res.*



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BUDDY ROEMER
GOVERNOR

November 5, 1990

M E M O R A N D U M

TO: Assistant Secretary Office of Fisheries, Undersecretary
and Office of Wildlife Chiefs

FROM: A. Kell McInnis III, Acting Secretary *AKM*

RE: Commission Meeting Agenda - December 6-7, 1990

Please write on the bottom of this memo and return to Sharyn Bateman by Monday, November 19th, any agenda items your Office may have for the December 6-7, 1990, Commission meeting to be held in Baton Rouge, Louisiana, Wildlife and Fisheries Building, 2000 Quail Drive. If you do not have anything for the agenda, please return memo and indicate this on the bottom of this memo. We cannot add anything to the agenda that requires commission action after we have published the agenda in the state journal.

Resolutions and Notices of Intent should be included with the list of items to be placed on the agenda.

Thank you for your cooperation!

VVS/sb

C: Don Puckett
Bob Dennie

*Distributed
copies -
add
Winton's
name for
next time*

JANUARY 1991

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1 Deer season in areas 2 and 3 closes. New Year's Day. 1990 commercial licenses expire. Please renew early.	2	3 Check out fishing gear.	4 Woodcock numbers peak in the state.	5 Peak waterfowl numbers in coastal Louisiana.
6 Deer season in area 4 closes.	7 Third quarter moon.	8	9	10	11 Bright red berries persist on dormant deciduous holly in forests and along fence rows.	12
13 Deer season in area 1 closes.	14	15 New moon. Woodduck nesting begins.	16	17 Striped bass migrate up Mississippi and Atchafalaya rivers.	18 Crappie congregate in deep water, large schools.	19
20 Archery season closes.	21 Martin Luther King Day.	22	23 First quarter moon.	24	25	26
27 Squirrel season closes.	28 Clean and repair purple martin nest boxes in anticipation of first arrivals in early February.	29	30 Full moon.	31	DECEMBER 1990 S M T W T F S 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	FEBRUARY 1991 S M T W T F S 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

State of Louisiana



WILDLIFE AND FISHERIES COMMISSION

W. I. POL

MEMBER

POST OFFICE BOX 64617

BATON ROUGE, LOUISIANA 70896

504/383-2617

October 25, 1990

La. Wildlife and Fisheries
Attn: Sharyn Bateman
Post Office Box 98000
Baton Rouge, Louisiana 70898

Re: The Monteleone Reservation

Dear Sharyn:

Since the meeting has been changed back to Baton Rouge, we will not need the reservations.

Please cancel.

Sincerely,

Warren Pol

Warren Pol

WIP:so

*all cancelled
10/90 by B.B.*

OK w/ Betts's & see if she
canceled Reservation & Meeting Room.

Canceled.
check + rev it
cancel 10-18-90

Rooming List for Thursday, December 6
The Monteleone Hotel
214 Royal Street
New Orleans, LA 70130
504/523-3341
B. J. Pecoraro

Warren Pol
Jimmy Jenkins
Bert Jones
Don Hines
~~Joe Palmisano~~ Houston Fare
Norman McCall

Virginia Van Sickle
Jerry Clark
Kell McInnis (King, Non-smoking)
Bettsie Baker
Wade Byrd
Hugh Bateman
Bennie Fontenot
Johnnie Tarver
Bob Dennie
Winton Vidrine
Karen Foote
Don Puckett

Copy to: JML + R
JRM/BS
Lad

OK/RA

July



Copy to: Bennie F.
John R. ←
Karen F.
return to me by 11/16
JC

VIRGINIA VAN SICKLE
SECRETARY

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
BATON ROUGE, LA. 70898
PHONE (504) 785-2800

BUDDY ROEMER
GOVERNOR

November 5, 1990

MEMORANDUM

TO: Assistant Secretary Office of Fisheries, Undersecretary
and Office of Wildlife Chiefs

FROM: A. Kell McInnis III, Acting Secretary *AKM^{cmr}*

RE: Commission Meeting Agenda - December 6-7, 1990

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VVS/sb

C: Don Puckett
Bob Dennie

1) RATIFICATION OF TOWASH CLOSURE

2) Information of Shallow Water Group

This should be covered by (Nov 24th)

Kell McInnis

RECEIVED
LA. DEPARTMENT OF
WILDLIFE & FISHERIES

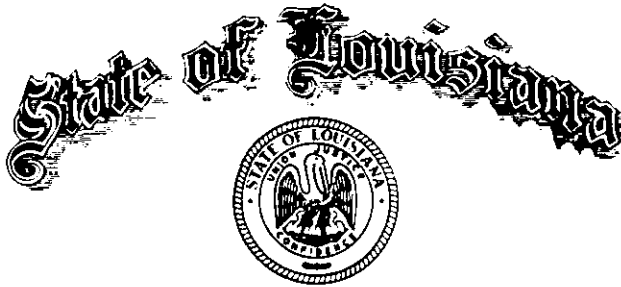
NOV - 5 1990

ASSISTANT SECRETARY
OFFICE OF FISHERIES

2) Inside outside line
Grand Isle - Grand Terre
one other place

3) Marine F. and S. Budget

AN EQUAL OPPORTUNITY EMPLOYER



VIRGINIA VAN SICKLE
SECRETARY

WILDLIFE AND FISHERIES COMMISSION
JAMES H. JENKINS, JR.-MEMBER
POST OFFICE BOX 15279
BATON ROUGE, LOUISIANA 70895
504:927-1760

BUDDY ROEMER
GOVERNOR

November 5, 1990

Mr. Kell McInnis
Acting Secretary
Louisiana Wildlife and Fisheries
Baton Rouge, LA

Dear Kell:

In recent months, I have become concerned about how the marine finfish monies are being spent. I have been trying to decide if more funds are needed. The data presented to the Commission on the effects of the freeze on spotted seatrout does not seem like much for the million dollars a year supposedly spent by the Finfish Section.

For the December Commission meeting would you put this issue on the agenda, and have someone give a full report on how the monies are spent; what the state is getting for its dollars. I would be interested in at least three years data about: number of employees, equipment, samples taken, gear used, etc. In addition I would like a list of the programs and their objectives along with the dollars allotted for each individual program in the present budget.

Very truly yours,

A handwritten signature in dark ink, appearing to be "JHJ", followed by a period.

JHJ/bb

cc: Dr. Jerry Clark
Miss Bettsie Baker
Mr. Norman McCall, Vice-chairman

RECEIVED
LA. DEPARTMENT OF
WILDLIFE & FISHERIES

NOV - 8 1990

ASSISTANT SECRETARY
OFFICE OF FISHERIES

OFFICE OF FISHERIES
Routing Slip

Out: 11/16
Due: _____
In: _____

Office of Secretary:		Inland Fish Division:		Marine Fish Division:		Research Division:	
TO:	FROM:	TO:	FROM:	TO:	FROM:	TO:	FROM:
Van Sickle		<u>✓</u> Clark		Clark		Clark	
McInnis		Fontenot <u>✓</u>		Roussel		Foote	
Clark		Lee		Perret		Barrett	
Baker		Williams		Bowman		Boudreaux	
Byrd		Brassette		Dugas		Tillyou	
Puckett						Shepard	
Callais							

Action:

- _____ Please see me about this matter _____.
- ✓ _____ For your information.
- _____ Take appropriate action.
- _____ For review and/or approval.
- _____ Please look into this matter and prepare a written response for my or VVS signature and return a copy of your reply for filing.
- _____ within 72 hours
- _____ within 5 days

_____ Comments?

Note:

Response:

Bennie



VIRGINIA VAN SICKLE
SECRETARY

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
BATON ROUGE, LA. 70898
PHONE (504) 765-2800

BUDDY ROEMER
GOVERNOR

November 5, 1990

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Thank you for your cooperation!

VVS/sb

C: Don Puckett
Bob Dennie

Dear Jerry:
I have no items
December Commission Meeting
Agenda. Thank you
Bennie
RECEIVED
LA. DEPT. WILDLIFE & FISHERIES
NOV 7 1990
FISH DIVISION



VIRGINIA VAN SICKLE
SECRETARY

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
BATON ROUGE, LA. 70898
PHONE (504) 785-2800

Copy to: Bennie F.
John R.
Karen F. ←

return to me by 11/16

11-5-90 JC
to Barry & Claude -
return to me
by Nov. 15

BUDDY ROEMER
GOVERNOR

November 5, 1990

MEMORANDUM

TO: Assistant Secretary Office of Fisheries, Undersecretary
and Office of Wildlife Chiefs

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Bob Dennie

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LA. DEPARTMENT OF
WILDLIFE & FISHERIES

NOV - 5 1990

ASSISTANT SECRETARY
OFFICE OF FISHERIES

Nothing for the Commission
Barry Powell 11/10/90
red drum

- Spotted Seatrout sampling update

- ~~Final program report (prey for prey)~~

Karen

Draft

MINUTES OF MEETING

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

DECEMBER 6, 1990

Chairman Jimmy Jenkins presiding:

Thursday, December 6, 1990

Houston Foret
Bert Jones
Norman McCall
Warren Pol
Jeff Schneider
Pete Vujnovich

Acting Secretary A. Kell McInnis III was also present.

Chairman Jenkins called the meeting to order and welcomed Mr. Jeff Schneider from Tangipahoa Parish. Mr. Schneider is the newest Commission member and took Dr. Don Hines place.

A motion was made by Mr. McCall for approval of the November 1-2, 1990, **Minutes of the Commission meeting**. The motion was seconded by Mr. Jones and passed unanimously.

At Thursday's meeting Mr. Tommy Prickett presented a **Resolution and the Alligator Harvest Rule and Regulations** for ratification. Mr. Prickett informed the Commission that a lengthy APA process has taken place. The comment period has elapsed and it was time for final ratification of the rule by the Commission. Once the rule is printed in the state register it will be in effect permanently advised Mr. Prickett. A motion was made by Mr. McCall to adopt the resolution and rule and was seconded by Mr. Vujnovich. The motion passed unanimously.

(The full text of the resolution
is made a part of the record)

Resolution
Louisiana Department of Wildlife and Fisheries
Louisiana Wildlife and Fisheries Commission

THE FOLLOWING WAS ADOPTED BY THE LOUISIANA WILDLIFE AND FISHERIES COMMISSION AT ITS REGULAR MEETING HELD IN BATON ROUGE, 6 DECEMBER 1990.

WHEREAS, The Louisiana Department of Wildlife and Fisheries in accordance with R.S. 56:260, 262, 262.1 and 262.2 has the authority to promulgate rules and regulations governing all aspects of the harvest of wild alligators, alligator eggs, raising and propagation of farmed alligators and the selling of hides, alligator parts and far raised alligators, and

WHEREAS, the attached rule has been promulgated in accordance with all provisions of the Administrative Procedures Act including a Notice of Intent authorized by the Louisiana Wildlife and Fisheries Commission during its regular meeting July 5, 1990 and published in the State Register on August 20, 1990, now

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission hereby finally adopts regulations governing the harvest, sale, and propagation of alligators.

A. Kell McInnis III
Acting Secretary, LA
Dept. Wildlife & Fisheries

Jimmy Jenkins, Chairman
Wildlife and Fisheries
Commission

(The full text of the rule is
made a part of the record)

RULE
Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

TITLE 76
Wildlife and Fisheries

PART V. WILD QUADRUPEDS AND WILD BIRDS

Chapter 7. Alligators

#701. Alligator Regulations

The Department of Wildlife and Fisheries does hereby establish regulations governing the harvest of wild populations of alligators, alligator eggs, raising and propagation of farmed alligators and regulations governing the selling of hides, alligator parts and farm raised alligators.

A. Purpose.

These regulations are to govern the taking, possession, selling, raising and propagation of alligators statewide, both in the wild and in captivity. They are enacted to prevent depletion or waste, while enhancing utilization of this renewable resource. These regulations are based upon scientific study and population monitoring and are consistent with federal requirements to qualify alligators and alligator parts from Louisiana for international export under the Convention on International Trade in Endangered Species of wild fauna and flora. Alligators in Louisiana are not endangered but their similarity in appearance to endangered crocodilian species requires controls on commerce to minimize illegal trafficking of these species and to regulate and maintain the wild population of alligators. These regulations provide rules to enhance alligator farming operations; establish the methods of alligator harvest; establish minimum facility requirements for alligator farming; regulate commerce in alligators, eggs and parts; streamline necessary reporting requirements; and, establish a regulated nuisance alligator control program.

B. Definitions.

The following words and phrases for purposes of these regulations shall have the meaning ascribed to them in this section, unless the context wherein the particular word or phrase is used clearly indicates a different meaning:

1. Alligator - American alligator (Alligator mississippiensis).
2. Alligator Egg Collection Permit - A permit issued by the Department allowing for the collection of alligator eggs on designated properties described as part of the permit. The permit will be signed by the Secretary or his designee, the permittee and the landowner/land manager.
3. Alligator Farm - An enclosed area, constructed so as to prevent the ingress and egress of alligators from surrounding public or private lands or waters and meeting other specifications and requirements set by the Department, where alligators are bred, propagated, or raised as a commercial enterprise under controlled conditions.
4. Alligator Farmer - A properly licensed person who raises alligators under controlled conditions which prohibit free movement of the animals onto and off of the farm or controlled area, and who may harvest alligators under the supervision of the Department. An alligator farmer must possess a valid nongame quadruped breeder's license.
5. Alligator Hunter - A properly licensed resident or nonresident person who takes wild alligators.

6. Alligator Part - Any part of the carcass of an alligator, except hides tagged pursuant to all applicable laws and regulations including the laws and regulations of the United States Government, the State of Louisiana and the Louisiana Wildlife and Fisheries Commission.

7. Alligator Parts Dealer - Any properly licensed person who deals in alligator parts and who:

(a) Buys from an alligator hunter, another parts dealer, or an alligator farmer for the purpose of resale; or

(b) Manufactures within the state alligator parts into a finished product; or

(c) Purchases, cans, processes, or distributes alligator meat for wholesale or retail.

8. Alligator Parts Retailer - Any properly licensed person selling canned alligator parts or purchasing alligator parts from an alligator parts dealer, and each restaurant selling prepared alligator meat for human consumption.

9. Alligator Parts Tag - An official tag issued by the Department that is attached to all unprocessed alligator parts upon transfer by an alligator hunter, an alligator parts dealer, or alligator farmer.

10. Alligator Shipping Label - A serially numbered label issued by the Department required on each container of alligators or alligator eggs being shipped or transported out of the state.

11. Bona Fide Resident (1) - Any person who has resided in the state of Louisiana continuously during the twelve months immediately prior to the date on which he applies for any license and who has manifested his intent to remain in this state by establishing Louisiana as his legal domicile, as demonstrated with all of the following, as applicable:

(a) If registered to vote, he is registered to vote in Louisiana.

(b) If licensed to drive a motor vehicle, he is in possession of a Louisiana driver's license.

(c) If owning a motor vehicle located within Louisiana, he is in possession of a Louisiana registration for that vehicle.

(d) If earning an income, he has filed a Louisiana state income tax return and has complied with state income tax laws and regulations.

(2) As to a corporation or other legal entity, a resident shall be any which is incorporated or otherwise organized under and subject to the laws of Louisiana, and as to which the principal place of business and more than fifty percent of the officers, partners, or employees are domiciled in Louisiana.

12. Closed Season - That period of time of a calendar year not specifically included in the open season.

13. Commission - The Louisiana Wildlife and Fisheries Commission.

14. Common Carrier - Any agency or person transporting passengers or property of any description for hire.

15. Confiscation - The exercise of a right under the police power wherein property is seized and held pending court order if the seized material is nonperishable, or disposed of without judicial intervention if perishable.

16. Consumer - Restaurants and other places where alligator, fish, shrimp, or other aquatic life is prepared for human consumption; or any person using alligator, fish, shrimp, or other aquatic life for bait or personal consumption.

17. Department - The Louisiana Department of Wildlife and Fisheries.

18. Designated Collection Agent - Anyone who is permitted by the Department to assist an alligator egg collection permittee during alligator egg collection.

19. Fur Buyer - Anyone who buys raw furs or skins from fur trappers, alligator hunters, fur buyers, or fur dealers and who sells to another fur buyer or fur dealer within the confines of the state or to a nonresident fur dealer licensed by the State of Louisiana in interstate commerce, or who acts as an agent of another fur buyer or fur dealer in this state in such purchase or sale. Fur buyers are divided into two classes, resident and nonresident. Resident fur buyers are those who are bona fide residents of this state. All others are nonresident fur buyers.

20. Fur Dealer - Anyone who deals in raw furs and skins and who:

(a) Buys from a fur trapper, alligator hunter, or alligator farmer, either directly or indirectly, and ships or exports from this state, either directly or indirectly, the raw furs and skins so bought; or

(b) Buys from a fur buyer or other fur dealer and exports from this state the raw furs and skins so bought; or

(c) Buys from a fur trapper, alligator hunter, alligator farmer, fur buyer, or other dealer and sells such raw furs and skins for manufacturing into a finished product in this state; or

(d) Manufactures such furs and skins into a finished product in this state, buying directly from a fur trapper, alligator hunter, alligator farmer, fur buyer, or fur dealer; or

(e) Transports raw furs or skins into this state for the purpose of sale within the state. Fur dealers are divided into two classes, resident and nonresident. Resident fur dealers are those who are bona fide residents of this state. All others are nonresident fur dealers.

21. Hatchling - A young of the year alligator which is less than twenty three (23) inches in length.

22. Hide - (See "Pelt").

23. Hook - Any curved or bent device attached to a line or pole for the purpose of taking alligators.

24. Hunt - In different tenses, attempting to take.

25. Incubator - An apparatus designed and used for the primary purpose of incubating alligator eggs.

26. Land Manager - Any authorized person who represents the landowner.

27. Landowner - Any person who owns land which the Department has designated as alligator habitat.

28. Licensee - Any resident or nonresident lawful holder of an effective license duly issued under the authority of the Department.

29. Nongame Quadruped - Alligators, beavers, bobcats, coyotes, gray foxes, minks, muskrats, nutrias, opossums, otters, raccoons, red foxes, skunks, and other wild quadrupeds valuable for their furs or skins.

30. Nongame Quadruped Breeder - A person properly licensed to engage in the business of raising, exhibiting and selling nongame quadrupeds on alligator or fur farms.

31. Nongame Quadruped Exhibitor - A person properly licensed to engage in the business of raising and/or exhibiting nongame quadrupeds.

32. Nonresident - Any person who is not a bona fide resident as that term is defined by R.S. 56:8(12).

33. Nuisance Alligator - A specific (particular) alligator that poses a threat to human life or property.

34. Nuisance Alligator Hunter - A licensed alligator hunter who is contracted or otherwise selected by the Department to remove designated nuisance alligators.

35. Open Season - That period of time set by the Louisiana Wildlife and Fisheries Commission, during which wild alligators or their eggs may be lawfully taken.

36. Out Of State Shipping Tag - An official, serially numbered tag, yellow in color, issued by the Department required on each shipment of alligator hides shipped out of state.

37. Part - For purposes of this section, a part is a division of a subsection.

38. Pelt - The skin or hide of a quadruped.

39. Pelting - Removing the skin and/or fur of a quadruped in such a manner as to render it marketable.

40. Person - Includes any individual person, association, corporation, partnership, or other legal entity recognized by law.

41. Pole Hunting - The act of taking an alligator from a den with a pole or snagging device of any type and includes using such devices to induce an alligator to move from a den prior to taking.

42. Possess - In its different tenses, the act of having in possession or control, keeping, detaining, restraining, or holding as owner, or as agent, bailee, or custodian for another.

43. Processed Alligator Part - Any part (and its resulting products) that has been removed from a legally taken alligator, treated to prevent decomposition, and packaged;

provided that the meat is not processed until packaged and marked with required labeling as described in Subsection L of these regulations.

44. Propagation - The holding of live alligators for production of offspring.

45. Raising - The production of alligators under controlled environmental conditions or in outside facilities.

46. Rearing - (See "Raising").

47. Resident - (See "Bona Fide Resident").

48. Secretary - The secretary of the Louisiana Department of Wildlife and Fisheries.

49. Skin - (See "Pelt").

50. Take - In its different tenses, the attempt or act of hooking, pursuing, netting, capturing, snaring, trapping, shooting, hunting, wounding, or killing by any means or device.

51. Transport - In its different tenses, the act of shipping, attempting to ship, receiving or delivering for shipment, transporting, conveying, carrying, or exporting by air, land, or water, or by any means whatsoever.

52. Wildlife - All species of wild vertebrates.

53. Wildlife Management Area - Any area set aside, maintained, and supervised by the Department for the purpose of managing and harvesting wild birds, wild quadrupeds, fish and other aquatic life under controlled conditions to afford maximum public hunting and fishing opportunity.

54. Wildlife Refuge - Any area set aside and designated by the Department as a refuge on which wild birds and animals are protected. Control of certain forms of wildlife may be conducted by the Department.

C. General Rules.

1. No person shall take, possess, purchase or sell alligators, alligator eggs, alligators parts, or goods manufactured from alligators, except as provided in these regulations and LA. R.S. Title 56.

2. Each alligator, alligator egg, or alligator part taken or possessed in violation of these regulations shall constitute a separate offense.

3. Hides of alligators harvested in Louisiana shall be tagged in accordance with provisions of these regulations and deviation from those requirements shall be a violation and subject hides to confiscation. Violation of this part is a class 7A violation as described in Title 56.

4. Pole Hunting is prohibited. Violation of this part is a class 2 violation as described in Title 56.

5. An alligator hunter must possess on his or her person one or more current alligator hide tags while taking alligators provided that only one licensed hunter needs to possess current hide tags among a group of licensed hunters who are physically present in the same location and are conducting a joint hunting operation. Violation of this part is a class 2 violation as described in Title 56.

6. No person shall release any alligator from any taking device for any purpose without first dispatching and tagging the alligator. Violation of this part is a class 2 violation as described in Title 56.

7. Collection of alligator hatchlings from the wild is strictly prohibited. Taking or collection of any wild alligator illegally is strictly prohibited. Violation of this part is shall constitute a Class 7A violation for each alligator taken as described in Title 56. All alligators taken in violation of this part shall be confiscated and in addition to all other penalties provided herein, all alligator licenses of any type held by the offender(s) shall be revoked for a period of three (3) calendar years and no alligators shall be raised or propagated on the offender's facilities for a period of three (3) calendar years.

8. The shipment of alligator eggs out of state is prohibited except where special scientific permits have been obtained in advance from the Department and specify all such shipments. Violation of this part is a class 2 violation as described in Title 56.

9. Transportation of alligator(s) into this state without prior written approval of the Department is strictly prohibited. Violation of this part is a class 7A violation as described in Title 56.

10. It is unlawful to ship alligator eggs into the State of Louisiana unless they are to be used for Department sponsored scientific studies and these shipments shall have prior written Department approval. Violation of this part is a class 7A violation as described in Title 56.

11. The shipment of live alligators or alligator eggs out of the United States is strictly prohibited unless they are used for Department sponsored scientific studies with an accompanying authorization signed by the Secretary. Violation of this part is a class 7A violation as described in Title 56.

12. There is levied a severance tax of twenty-five cents on all skins or hides taken from any alligator, within the state, payable to the state through the Department by the alligator hunter or alligator farmer taking his own catch out of state, or by the dealer. Violation of this part is a class 2 violation as described in Title 56.

D. Licenses, Permits and Fees.

1. The licenses and fees required for activities authorized by these regulations are as prescribed under provisions of Title 56, or as prescribed in these regulations, and are:

- (a) \$25 for a resident alligator hunter's license;
- (b) \$150 for a nonresident alligator hunter's license;
- (c) \$25 for a resident fur buyer's license;
- (d) \$100 for a nonresident fur buyer's license;
- (e) \$150 for a resident fur dealer's license (\$500 deposit required);
- (f) \$300 for a nonresident fur dealer's license (\$1,000 deposit required);
- (g) \$10 for a nongame quadruped exhibitor's license;
- (h) \$25 for a nongame quadruped breeder's license;
- (i) \$50 for a alligator parts dealer license;
- (j) \$5 for a alligator parts retailer license;
- (k) \$4 for each alligator hide tag;
- (l) \$4 for each whole alligator leaving the state as alligator shipping label fee;
- (m) \$0.25 severance tax for each alligator hide taken from within the state;
- (n) \$25 for a Designated Agent Collection Permit.

2. No person may take, attempt to take, or possess a wild alligator in this state during the open season for taking wild alligators unless he or she has acquired and possesses an alligator hunter's license. An alligator hunter must have in possession a valid alligator hunter license to take or sell alligators, their skins, or parts. Violation of this part is a class 2 violation as described in Title 56.

3. No resident or nonresident fur buyer shall ship furs, alligators, alligator skins, alligator eggs, or alligator parts out of state. Violation of this part is a class 2 violation as described in Title 56.

4. Every resident fur dealer, alligator hunter, alligator parts dealer, alligator farmer, nonresident fur dealer, or

nonresident alligator hunter shall not ship or take raw alligator skins, alligators, or alligator parts out of state without first complying with provision of these regulations. Violation of this part is a class 2 violation as described in Title 56.

5. No person may engage in the business of raising and/or exhibiting alligators unless he or she has acquired and possesses a valid nongame quadruped exhibitor license. Violation of this part is a class 3 violation as described in title 56.

6. No person may engage in the business of raising, breeding, propagating, exhibiting and selling alligators alive or selling their parts, and killing and transporting them and selling their skins and carcasses unless he or she has acquired and possesses a valid nongame quadruped breeder license and complies with Subsections N and O of these regulations. Violation of this part is a class 3 violation as described in Title 56.

7. No person shall engage in the business of buying and selling alligator parts unless he or she has acquired and possesses a valid alligator parts dealer license. Violation of this part is a class 2 violation as described in Title 56.

8. Each retailer selling canned alligator parts or purchasing alligator parts, and each restaurant selling prepared alligator meat for human consumption shall secure from the department an alligator parts retailer license prior to commencing business. Violation of this part is a class 2 violation as described in Title 56.

9. No person shall remove and possess alligator eggs from wild nests unless he or she has acquired and possesses a valid nongame game quadruped breeder license or a valid Designated Collection Agent Permit and also has in his possession a valid alligator egg collection permit. Egg collection permits will only be issued to those persons who demonstrate competency in egg collection and handling, have necessary equipment accessible and comply with all Department requirements as described in Subsection N of these regulations. Violation of this part is a class 7A violation as described in Title 56.

10. No person shall ship or transport alligators out of the state without first applying for and receiving an alligator shipping label which shall be affixed to each container of alligators and is properly completed and validated by Department personnel. Violation of this part is a class 2 violation as described in Title 56.

11. Every alligator hunter or alligator farmer shipping or transporting his own catch of alligator skins out of state is liable for the severance tax thereon, and shall apply for an official out of state shipping tag to be attached to the shipment and shall pay the severance tax prior to shipment. Violation of this part is a class 2 violation as described in Title 56.

12. Valid holders of alligator hunter license, nongame quadruped breeder license, fur dealers license and alligator parts dealer license must comply with federal licensing and permit requirements to engage in interstate and international commerce involving alligators, alligator hides and parts. Violation of this part is a class 2 violation as described in Title 56.

E. Wild Harvest Methods.

1. Alligators taken from the wild may be removed from hook and line, and other legal capture devices which may be used, only during daylight hours, between official sunrise and official sunset. Violation of this part is a class 7A violation as described in Title 56.

2. There are no size restrictions on wild alligators taken during the general open season. A Department issued permit is required to sell alligators or their skins which are less than four (4) feet in length. Violation of this part is a class 7A violation as described in Title 56.

3. Legal methods for taking alligators in the wild are as follows:

- (a) Hook and line;
- (b) Long (including compound) bow and barbed arrow; and
- (c) Firearms.

Violation of this part is a class 7A violation as described in Title 56.

4. Hooks and arrows may be used only when a line of at least 300-pound test is securely attached to the hook or head of the arrow in such a manner to prevent separation from the hook or head until the carcass is retrieved. The other end of the line must be attached to a stationary or floating object capable of maintaining the line above water when an alligator is attached. Violation of this part is a class 7A violation as described in Title 56.

5. Alligator hunters shall inspect their hooks and lines and remove captured alligators daily. Alligators shall not be cut loose from hooks and lines for the purpose of selecting larger alligators. All hooks and lines shall be removed when

an alligator hunter's quota is reached. Violation of this part is a class 7A violation as described in Title 56.

6. Baited hooks and lines may be set no more than 24 hours prior to the general open season and shall be removed no later than sunset of the last day of the open season. Violation of this part is a class 7A violation as described in Title 56.

7. No person possessing alligator hide tags issued for privately-owned land or water may take alligators on adjacent publicly-owned water unless the taking device is anchored to privately-owned land or the person is on privately-owned land when the taking occurs, provided that any alligator captured on a legal taking device that is anchored to privately-owned land or held by a person on privately-owned land may be dispatched from a floating craft on public water. Violation of this part is a class 7A violation as described in Title 56.

8. A person possessing alligator hide tags for publicly-owned areas may take alligators by legal means from a floating craft on public water for which the tags are issued.

F. Alligator Hide Tag Procurement and Tagging Requirements.

1. Alligator hide tags may be obtained as follows and only to properly licensed alligator hunters and nongame quadruped breeders:

2. Landowners, Land Managers and Hunters - upon application to the Department on forms provided for tag issuance. Applications for alligator tag allotments will be taken annually beginning August 1 and ending 10 days after the season opens.

(a) Maximum tag issuance to individual landowners, land managers, or their hunters shall be determined solely by the Department. Landowners, land managers, or their hunters shall certify total acreage owned or represented on a form prescribed by the Department at the time of application. The location and acreage of the property must be provided which includes parish, township, range and section delineation figures.

(b) Land managers and hunters must present a notarized document from the landowner verifying their selection to represent that landowner and the total acreage represented to obtain hide tags.

(c) Payment for all alligator tags shall be received by the Department prior to issuance. Numbered alligator hide tags shall only be issued in the name of the license holder and are nontransferable. A refund will be issued

for all unused alligator tags which are returned within the required time frame designated in these regulations.

Violation of parts 1 and 2 of this Subsection are class 2 violations as described in Title 56.

3. Alligator farmers - upon request to the Department at any time at least two weeks prior to scheduled harvesting, subject to verification of available stock by Department personnel. Violation of this part is a class 2 violation as described in Title 56.

4. If an alligator hunter is cited for hunting alligators out of season, at night, or on property other than that for which hide tags were issued, all unused hide tags and alligators in possession shall be confiscated and the violator's alligator hunting license shall be revoked. Violation of this part is a class 7A violation as described in Title 56.

5. Special instructions will be issued to the holders of alligator hunting licenses immediately prior to the annual open season describing detailed methods regarding the skinning of alligators. Alligator farmers shall adhere to the annual skinning requirements when skinning farm raised alligators. Alligators not skinned in compliance with the established specific requirements shall be considered illegal and shall be confiscated by the Department.

6. It shall be a violation for any alligator hunter, alligator farmer, fur buyer, or fur dealer who knowingly attempts to sell an alligator hide that was not skinned in accordance with the established specific requirements. Violation of this part is a class 7A violation as described in Title 56.

7. A hide tag shall be attached in the last six (6) inches of an alligator's tail immediately upon possession by an alligator hunter. The tag shall be attached in accordance with instructions issued by the Department. Alligator farmers may wait until farm raised alligators are skinned prior to tagging. Live or dead farm raised alligators may be transported with their accompanying tags from a licensed alligator farm to a licensed processing facility, however each shipment shall be accompanied with the exact number of alligator hide tags. Violation of this part is a class 7A violation as described in Title 56.

G. Open Season, Open Areas, and Bag Limits.

1. Open seasons are as follows:

(a) The general open season for taking alligators in the wild may be established annually by the Commission at

their regular July meeting. The Secretary shall be authorized to close, extend or reopen the season as biologically justifiable.

(b) Nuisance control hunters may take nuisance alligators at any time as prescribed by the Department.

(c) Farm raised alligators may be taken at any time following the issuance of hide tags by the Department.

(d) The open season for collection of alligator eggs from the wild shall be from May 15 through September 15 of each calendar year.

Violation of this part is a class 7A violation as described in Title 56.

2. The open areas are as follows:

(a) For the general open season, those areas designated by the technical staff of the Department as alligator habitat and which can sustain an alligator harvest.

(b) The Department may select public lakes and lands for an experimental alligator hunting program. The harvest will be controlled by a tag allotment for each lake as determined by Department personnel. Applicants for public lake hunting must be 16 years of age or older. Applications must be received at least 10 days prior to the season opening date. A public drawing will be held to select hunters. An alligator hunter can receive tags for and hunt on only one public lake per season. The tag quota for each lake and hunter will be established by the technical staff of the Department. Alligator tags issued on public lakes and lands are nontransferable.

(c) Wild alligators in the remainder of the state may be taken only under provisions as prescribed by the Department.

Violation of this part is a class 7A violation as described in Title 56.

3. The daily and season bag limit is equal to the number of valid alligator hide tags that a licensed alligator hunter possesses. Violation of this part is a class 7A violation as described in Title 56.

4. Non resident alligator hunters may only take three (3) alligator during the open season. Violation of this part is a class 4 violation as described in Title 56.

5. Harvest rates will be calculated annually by Department personnel based on biological data. Alligator hide tag allotments will be established prior to issuance of alligator hunting licenses.

H. Possession.

1. No person shall possess alligators or alligator hides in Louisiana without valid official tags properly attached. Failure to properly tag an alligator or hide shall result in confiscation of both the alligator or hide and tag. Violation of this part is a class 7A violation as described in Title 56.

2. Alligator farmers may request hide tags or shipping labels from the Department to be used on farm-raised alligators that have died unexpectedly and may hold those alligators in freezers until receipt of the requested hide tags or shipping labels. These alligators may be held in freezers for a maximum of 60 days prior to disposal. All alligators 24 inches and greater in length that die unexpectedly must be properly skinned and tagged with an alligator hide tag. Violation of this part is a class 7A violation as described in Title 56.

3. No person other than a licensed alligator hunter, licensed alligator farmer, licensed fur buyer or licensed fur dealer may possess a tagged or labeled alligator, a tagged raw or salted hide of an alligator at any time, provided that legally documented tagged or labeled alligators or tagged hides may be possessed without license while in transit, or during processing for tanning or taxidermy. Violation of this part is a class 7A violation as described in Title 56.

4. No person other than a licensed alligator farmer or licensed non game quadruped exhibitor may possess live alligators at any time other than by a permit issued by the Department upon request for use in displays and educational purposes, and by holders of valid Department issued permits for scientific purposes. Live, farm raised alligators and their alligator hide tags may be held for processing by a properly licensed alligator skinning facility without a license or permit. Violation of this part is a class 7A violation as described in Title 56.

5. No person other than a licensed alligator farmer or licensed non game quadruped exhibitor may possess alligator eggs at any time other than Department permitted Designated Collection Agents assisting a licensed and permitted alligator farmer during wild egg collection, or a holder of a valid Department issued permit for scientific purposes. Any alligators hatched from scientific permits issued by the Department will be returned to the wild under Departmental

supervision following completion of the research project. Violation of this part is a class 7A violation as described in Title 56.

I. Importation, Exportation, Purchase, and Sale.

1. Alligators, alligator hides (raw or salted), or parts of alligators, may be brought into the state only if the alligators, alligator hides or parts of alligators were lawfully taken in another state or country and the person, firm or corporation bringing the alligators, alligator hides (raw or salted), or alligator parts into the state has obtained written permission from the Department. Violation of this part is a class 7A violation as described in Title 56.

2. All alligators, alligator hides (raw or salted), or parts of alligators possessed, sold, purchased, exported, imported, or brought into the state from another state shall be accompanied by documented evidence that they were lawfully taken. Documented evidence shall consist of, but not be limited to:

(a) A resource user license or permit number allowing the taking of alligators and tags or other identification required by the state or country of origin shall be firmly attached to the alligator, alligator hide, or parts of alligators; and

(b) A tag or label is affixed to the outside of any package or container of alligators, alligator hides, or alligator parts that specifies type of contents, indicates quantity contained, and lists applicable license or permit numbers.

Violation of this part is a class 7A violation as described in Title 56.

3. Purchases of alligators, alligator hides and alligator parts are restricted as follows:

(a) A licensed alligator hunter may not purchase alligators or alligator hides from anyone.

(b) A licensed fur buyer may purchase alligator hides from an Louisiana licensed alligator hunter, licensed alligator farmer, licensed fur dealer, or another fur buyer within the confines of the state.

(c) A licensed fur dealer may purchase alligator hides from a licensed alligator hunter, licensed alligator farmer, fur buyer or another fur dealer.

(d) A licensed alligator farmer may purchase live alligators only from another licensed alligator farmer or the Department.

(e) An alligator farmer may purchase alligator eggs only from another alligator farmer, a landowner/land manager (with an approved Department alligator egg collection permit), or the Department.

(f) A licensed alligator parts dealer may purchase alligator parts from an licensed alligator hunter, alligator farmer, another alligator parts dealer, or the Department.

(g) A licensed parts retailer may purchase canned alligator parts or alligator parts from an alligator parts dealer.

(h) A restaurant may purchase alligator meat to sell prepared for human consumption with a alligator parts retailer license.

Violation of this part is a class 2 violation as described in Title 56.

4. Sales of alligators and alligator parts are restricted as follows:

(a) A licensed alligator hunter may sell alligators, alligator hides, or alligator parts taken by the licensee during the general open season to anyone who may legally purchase.

(b) A licensed alligator farmer may sell alligators, alligator eggs, alligator hides, or alligator parts to anyone who may legally purchase. The sale of alligator eggs or live alligators shall only occur following the issuance of an Alligator Transfer Authorization Permit issued by the Department. Application for the permit shall be made at least 2 weeks prior to the transfer.

(c) A licensed fur buyer may sell alligator hides to a fur dealer or another fur buyer within the confines of the state.

(d) A licensed fur dealer may sell alligator hides to anyone who may legally purchase.

(e) A licensed alligator parts dealer may sell alligator parts to anyone.

(f) A licensed alligator parts retailer may sell canned alligator parts, processed alligator parts, or alligator meat to anyone.

(g) A restaurant possessing an alligator parts retailer license may sell alligator meat prepared for human consumption to anyone.

Violation of this part is a class 3 violation as described in Title 56.

5. Legally tagged and documented alligators, alligator hides, and parts of alligators taken in Louisiana may be shipped out of state or exported by alligator hunters, alligator farmers, fur dealers and alligator parts dealers subject to Subsection K of these regulations (relating to Report Requirements) provided that no live alligators or eggs originating in Louisiana may be exported outside of the United States without specific Department authorization and the concurrence of the United States Fish and Wildlife Service, to be used only for scientific purposes. Violation of this part is a class 3 violation as described in Title 56.

6. A special permit is required of anyone who sells alligator eggs, live alligators under four (4) feet in length, or skins of alligators under four (4) feet in length. Violation of this part is a class 7A violation as described in Title 56.

J. Nuisance Alligator Control.

1. Nuisance alligator hunters will be selected by the Department and may be based upon recommendations received from the local governing body. Applicants with prior alligator hunting violations will be rejected.

2. Nuisance alligator hunters shall purchase a valid alligator hunter license and are bound by all laws, rules and regulations governing alligator hunting with the exception that nuisance alligators may be taken at anytime. Violation of this part is a class 2 violation as described in Title 56.

3. Nuisance alligator complaints will be verified by Department personnel prior to being approved for removal. Violation of this part is a class 2 violation as described in Title 56.

4. Tags will be issued to nuisance alligator hunters for immediate attachment to alligators when taken. Nuisance alligator hunters will make every attempt possible to catch nuisance alligators and relocate to natural habitat selected by the Department. It is unlawful for any nuisance alligator captured alive to be sold or otherwise disposed of on an

alligator farm. Alligators and alligator parts taken and tagged under these provisions may be retained and sold by the nuisance alligator hunter as any other legally taken wild alligator or alligator part. Violation of this part is a class 7A violation as described in Title 56.

5. Nuisance alligator hunters may take alligators by any means prescribed by the Department. Failure to comply with Departmental instructions may result in immediate termination of the individual's participation in the nuisance alligator program. Violation of this part is a class 2 violation as described in Title 56.

K. Report Requirements.

1. Report forms provided by the Department must be completed and filed with the Department by all persons who have been issued an alligator hunter's license, fur buyer's license, fur dealer's license, nongame quadruped exhibitor's license, nongame quadruped breeder's license, alligator parts dealer's license, or alligator egg collection permit in accordance with this Subsection. Reports shall include but not be limited to the information specified in this Subsection.

2. Alligator hunters receiving hide tags from the Department are responsible for disposition of all issued tags and must:

(a) Complete an official alligator parts transaction form furnished by the Department for each alligator part transaction. These forms shall be submitted to the Department within 30 days following the close of the season and thereafter at 60-day intervals until all parts are sold.

(b) Complete an official lost tag form, furnished by the Department for any hide tags lost or stolen. These forms shall be submitted to the Department within 15 days following the close of the season. Lost or stolen tags will not be replaced.

(c) All unused tags must be returned to the Department within 15 days following the close of the season. Violation of this requirement shall result in no license or alligator tags being issued to the violator for a period of one year.

(d) The Department must be notified within 15 days following the close of the season, of any alligator hides not sold to a fur buyer or fur dealer on official forms provided by the Department.

(e) Each licensed alligator hunter selling alligator parts to a person or a restaurant shall provide that person with a bill of sale for each transaction.

(f) All records of transactions involving alligator parts of alligator hunters shall be available for inspection by the Department.

Violation of this part is a class 2 violation as described in Title 56.

3. A nuisance alligator hunter shall comply with the same report requirements as an alligator hunter and complete any other reports required by the Department. Violation of this requirement shall result in immediate termination of nuisance alligator hunter status. Violation of this part is a class 2 violation as described in Title 56.

4. Alligator farmers receiving hide tags from the Department are responsible for disposition of all issued tags and must:

(a) Complete an official alligator parts transaction form, furnished by the Department for each alligator part transaction. These forms shall be submitted to the Department within 30 days following the last day of the year that issued tags are valid and thereafter at 60-day intervals until all parts are sold. Violation of this part is a class 2 violation as described in Title 56.

(b) Complete an official lost tag form, furnished by the Department for any hide tags lost or stolen. These forms shall be submitted to the Department within 15 days following the last day of the year that issued tags are valid. Lost or stolen tags will not be replaced. Violation of this part is a class 2 violation as described in Title 56.

(c) All unused hide tags must be returned to the Department within 15 days following the last day of the year that issued tags are valid. Violation of this requirement shall result in the revocation of the nongame quadruped breeder's license. Violation of this part is a class 2 violation as described in Title 56.

(d) The Department must be notified within 15 days following the last day of the year that issued tags are valid of any alligator hide not sold to a fur buyer or fur dealer on official forms provided by the Department. Violation of this part is a class 2 violation as described in Title 56.

(e) Each alligator farmer shall report annually, no later than December 31, on an official form provided by the Department, all activities that have occurred on the farm for the past year including but not limited to the number of live alligators as of that date, separated by sizes, the number of eggs collected and hatched, the purchase and sale of alligators for the past year and the numbers of alligators lost. Failure to complete this form properly and completely will result in non renewal of the nongame quadruped breeder's license. Violation of this part is a class 3 violation as described in Title 56.

(f) Each licensed alligator farmer selling alligator parts to a person or a restaurant shall furnish that person with a bill of sale for each transaction. Violation of this part is a class 2 violation.

5. Fur buyers and fur dealers engaged in the business of buying and selling alligator hides must keep within the state a complete record on forms provided by the Department, all purchases and sales made of alligator hides as described in Title 56, and;

(a) Every buyer or dealer having undressed alligator hides in his possession after the close of each open season shall file with the Department within 60 days or prior to shipping out of state, a complete report, on forms provided by the Department, a detailed description of alligator hides then owned or held in possession as owner or agent.

Violation of this part is a class 3 violation as described in Title 56.

6. Fur dealers engaged in the business of buying and selling alligator hides must maintain complete records of alligator hides purchased inside and outside the state as described in Title 56. Failure to maintain complete records and to pay the required severance tax subjects any dealer to the full penalties provided and the immediate revocation of his license by the Department. No license shall be issued to a dealer who has not paid the tax for the preceding year. Violation of this part is a class 2 violation as described in Title 56.

7. Alligator parts dealers purchasing alligator parts, shall complete an official alligator parts purchase form for each purchase. Alligator parts dealers selling alligator parts, shall complete an official alligator parts sale form for each sale. These forms shall be furnished by the Department and shall be submitted to the Department within 30 days following the close of the open season and at 60-day intervals until

final disposition of all wild parts. These forms shall be submitted annually for all farm raised alligator parts, and;

(a) Alligator parts dealers shall furnish a bill of sale to anyone purchasing alligator parts.

(b) The records of transactions involving alligator parts shall be available for inspection by the Department and shall be maintained complete for a period of one year following any transaction.

Violation of this part is a class 2 violation as described in Title 56.

8. Any alligator parts retailer or restaurant purchasing alligator parts shall maintain a bill of sale for each purchase for a period of six months after such purchase and these records shall be available for inspection by the Department. Violation of this part is a class 2 violation as described in Title 56.

L. Alligator Meat.

1. Alligator meat from lawfully taken alligators can only be sold according to state and federal laws, Louisiana Department of Health and Hospitals regulations and Louisiana Wildlife and Fisheries Commission regulations. Violation of this part is a class 2 violation as described in Title 56.

2. Alligator meat processed in the State of Louisiana and sold for human consumption must be processed in a licensed facility approved by the Louisiana Department of Health and Hospitals and the facility must display a valid permit issued by that agency. Violation of this part is a class 2 violation as described in Title 56.

3. Alligator carcasses being shipped whole shall be tagged with an alligator parts tag properly identifying the carcasses and shall remain on the carcasses until the processing makes identification impossible. Violation of this part is a class 3 violation as described in Title 56.

4. Alligator hunters and alligator farmers involved in alligator parts transactions with individual consumers shall properly tag all alligator parts and the parts tag shall remain attached until final disposition. Violation of this part is a class 3 violation as described in Title 56.

5. All alligator meat processed for sale must be packaged in suitable containers which identifies the contents as alligator meat, is marked with a valid Department license number and

comply with all state and federal packaging and labeling requirements. Violation of this part is a class 3 violation as described in Title 56.

6. All alligator meat shipped into the state and being offered for sale must meet all of Louisiana's health, processing, packaging and labeling requirements. Violation of this part is a class 3 violation as described in Title 56.

M. Disposal of Alligators by the Department.

1. The Department may sell alligators, alligator eggs or parts of alligators taken for any purpose deemed necessary for proper management of the species pursuant to Title 56.

2. The Department may dispose of alligators, alligator eggs, or parts of alligators by donation or lending to a scientific institution or other institutions that the Department deems have need for such alligators, however these institutions cannot sell or barter these animals and must be returned to the Department at the conclusion of the program or need.

3. Confiscated alligator hides and parts may be destroyed by the Department pending the outcome of the criminal trial.

4. Confiscated live alligator eggs or alligators will be cared for by the Department and released in suitable alligator habitat when and where they can survive. All costs incurred by the Department in the maintenance of these eggs and animals in captivity shall be the responsibility of the offender and restitution shall be made to the Department.

N. Alligator Egg Collection.

1. Alligator egg collection permits are a three party permit between the Department, the permittee and a landowner/manager who owns or leases alligator nesting habitat determined by Department biologists to be capable of producing alligator eggs. The numbers of eggs to be collected will be based upon biological management criteria and will be determined annually by technical staff of the Department. The Department only estimates the numbers of eggs available and assumes no responsibility or offers no guarantee that those numbers of eggs will be available. Alligator egg collection permits may be obtained upon application to the Department on forms provided by the Department. The annual deadline for submitting applications for Alligator Egg Collection Permits is June 1. This program is experimental and may be changed at any time based on biological data to insure for proper management of the wild alligator population.

2. Alligator egg collection permits may be issued by the Department provided:

(a) Permittee is a properly licensed alligator farmer and meets all applicable requirements in Subsection 0 of these regulations (Alligator Farm Facility Requirements).

(b) All land documentation required on the alligator egg collection permit has been presented to the Department.

(c) Department biologists determine the properties described on the permit application are indeed alligator nesting habitat and can sustain alligator egg collections.

(d) Applicant has obtained all legal and necessary signatures from landowners/land managers.

Violation of this part is a class 7A violation as described in Title 56.

3. It is unlawful for an alligator farmer or a permitted Designated Collection Agent to collect eggs from properties other than those described in the alligator egg collection permit. Violation of this part is a class 7A violation as described in Title 56.

4. An alligator farmer or designated collection agent in the act of collecting or possessing alligator eggs must possess on his or her person a copy of the fully executed alligator egg collection permit. The designated collection agent must also possess a valid designated collection agent permit. Violation of this part is a class 7A violation as described in Title 56.

5. Collection of wild alligator eggs can only be made after contacting the appropriate Department Enforcement Agent no less than 24 hours prior to each collection trip. Violation of this part is a class 7A violation as described in Title 56.

6. Alligator eggs can only be collected from the wild from official sunrise to official sunset and only during the established alligator egg collection season. Violation of this part is a class 7A violation as described in Title 56.

7. Alligator eggs collected from the wild must be collected and transported in a manner which insures the greatest survival of viable eggs as determined by Department biologists. Violation of this part is a class 7A violation as described in Title 56.

8. Each clutch of alligator eggs collected should be maintained as a separate entity from time of collection through incubation and hatching.

9. Failure to hatch at least 70% of viable alligator eggs collected from the wild shall be considered a waste of Louisiana's natural resources. All alligator egg collection permits shall be revoked and no new permits issued should an alligator farmer be found to waste the resources of this state for two consecutive years.

10. Alligator egg collection permits shall be revoked and no new permits issued to alligator farmers who fail to average a minimum hatchling survival rate of 85% for two consecutive years.

11. The alligator egg collection permittee and the landowner are responsible for returning the percentage of live alligators to the wild described on the alligator egg collection permit. This requirement is nontransferable. Minimum return rates will be based upon the state average hatching success which is 78%. Each alligator shall be returned to the original egg collection area. Each alligator shall be a minimum of 48" in size and the returned sex ratio should contain at least 50% females. The Department shall be responsible for supervising the required return of these alligators. Releases back to the wild will only occur between April 15 and September 15 of each calendar year. Should an alligator egg collection permittee be unable to release the required number of alligators to the wild from his own stock, he shall be required to purchase additional alligators from another farmer to meet compliance with the alligator egg collection permit and these regulations, as supervised by the Department. Department sanctioned participants in ongoing studies involving survivability and return rates are exempt from these requirements during the period of the study. Violation of this part is a class 7A violation as described in Title 56.

12. The percentage of 48" alligators to be returned to the wild shall be selected from the healthiest of all alligators of that year class. Abnormal or deformed alligators are not acceptable for release into the wild. It is unlawful for alligators that are to be returned to the wild to be transported out of state. Violation of this part is a class 7A violation as described in Title 56.

O. Alligator Farm Facility Requirements.

1. All first time applicants for a nongame quadruped breeder's or exhibitor's license who will house alligators on their premises shall show compliance of the following minimum

facilities as applicable to their particular operation during a required facility examination by Department personnel prior to license issuance:

(a) Secured premises with adequate barriers to prevent escape of enclosed alligators and entry by alligators from outside the farm and to deter theft of alligators.

(b) Source of clean, fresh water which shall be adequate to ensure for proper care of all alligator stock and facilities. This requirement shall be determined by Department personnel.

(c) Provisions for both dry area and pooled water within the secured area adequate for the numbers of alligators to be housed on the premises. This requirement will be determined by Department personnel.

(d) Provision for winter protection, either through adequate denning space or an enclosed, controlled-temperature environment of a design acceptable to the Department.

(e) All controlled-temperature alligator sheds shall be of a design acceptable to the Department. Each shed shall be capable of maintaining a minimum constant temperature of 80 degrees fahrenheit. Minimum space requirements for alligators housed in the shed shall be:

(i) One square foot of space shall be required for each alligator less than 24" in length.

(ii) Three square feet of space shall be required for each alligator measuring 25" to 48" in length.

(iii) One additional square foot of space shall be required for each additional 6 inches of alligator length for alligators above four feet in length.

(f) All alligator egg incubators shall be of a design acceptable to the Department. Each incubator shall maintain a water and air temperature of 85 to 91 degrees fahrenheit during the egg incubation.

(g) Applicant must be in compliance with all laws and regulations pertaining to zoning, construction, health and environmental standards and must possess any and all applicable permits and licenses.

(h) All alligator facilities should be constructed in an suitable location so as to minimize contact with people.

2. Following initial issuance of applicable license, all applicable facility requirements shall be adhered to and Department personnel have the authority to inspect any and all of the facilities at any time. Failure to adhere to the requirements shall be a violation of these rules and violators will be given 60 days to correct the problem. Failure to comply shall result in confiscation of all animals and/or closure of all facilities. Violation of this part is a class 7A violation as described in Title 56.

3. All alligator farmers possessing alligator eggs outside an alligator nest should house these eggs in identifiable original clutch groups in an incubator providing constant temperature and humidity conditions. All incubators used to incubate alligator eggs shall be of a design to allow for maximum temperature control and conform to Department requirements to allow for the maximum hatching success. Violation of this part is a class 7A violation as described in Title 56.

4. All alligator farmers possessing alligator hatchlings shall house hatchlings in controlled environmental chambers capable of maintaining a minimum temperature of 80 degrees fahrenheit year round and containing dry and wet areas of sufficient surface area to permit all alligators to completely submerge in water and completely exit from water and orient in any direction, without touching the sides of the chambers. All alligators 48" or less in length shall be housed in environmental chambers unless a special permit is issued by the Department to move them to outside growth areas. Violation of this part is a class 7A violation as described in Title 56.

5. Alligator farmers shall house alligators of different lengths into at least three groups, providing separation for all alligators less than two feet in length, two to four feet in length, and over four feet in length. Land and water areas sufficient for complete submersion or complete exit from water shall be provided for each group of alligators held. Violation of this part is a class 7A violation as described in Title 56.

6. Nesting activity of captive alligators shall be recorded with weekly accounts of nests constructed, eggs collected, number of viable eggs set and hatching success. Violation of this part is a class 3 violation as described in Title 56.

7. Complete written records shall be maintained by the license holder and shall be submitted to the Department on a standardized annual report form provided by the Department, which shall be provided as part of the annual license renewal. These reports must be submitted no later than December 31 of

each year. Violation of this part is a class 3 violation as described in Title 56.

8. All facilities, alligator stock, and records are subject to examination by Department personnel prior to permitting and thereafter during farm operation. Violation of this part is a class 7A violation as described in Title 56.

9. It shall be unlawful for alligator eggs or alligators to be moved from a licensed premises without approval of the Department. Violation of this part is a class 7A violation as described in Title 56.

P. Exceptions.

1. These regulations do not require licenses, labels, or permits for consumers who purchase or possess goods processed or manufactured from alligators which have been legally taken or raised, provided that such goods are used by the consumer and are not sold or bartered in conjunction with a wholesale or retail business activity.

2. The Department or an authorized representative of the Department may take by any means and possess alligators or parts of alligators while in the performance of official duties.

3. These regulations shall not prohibit a person from killing an alligator in immediate defense of his or her life or the lives of others. Alligators killed under this provision must be reported to the Department within 24 hours. Violation of this part is a class 2 violation as described in Title 56.

4. These regulations do not require a state license or permit of persons who deal in finished alligator leather products.

Q. Penalty for Violation.

1. In order to facilitate greater control over alligator trafficking, the Louisiana Department of Wildlife and Fisheries finds that public welfare imperatively requires emergency action when the provisions of these regulations are violated.

2. If citations are issued for a violation of these regulations, all licenses and tags belonging to or in the possession of the cited party shall be suspended until such time as the said party appears before Department officials for purposes of reviewing the citations issued. The Secretary, after reviewing the proceedings may reinstate or revoke the suspension. The alleged violator may lose all

rights and privileges to participate in this program if found guilty by criminal or civil process.

3. The Department shall have the authority to confiscate any alligators or alligator eggs from any person or facility that is not caring for the alligators or alligator eggs in a humane manner. Inhumane treatment of alligators or alligator eggs consists but is not limited to conditions which could have an adverse effect upon the alligators or alligator eggs such as sanitary conditions, temperature control, feeding, or overcrowding. The confiscated alligators and alligator eggs shall be disposed of as the Department deems necessary. Inhumane treatment of alligators or alligator eggs is a class 7A violation as described in Title 56.

4. In addition to all penalties set forth herein, violators may be subject to criminal prosecution under provisions of the Louisiana Revised Statutes, particularly Titles 14 and 56 and under Federal law.

5. In addition to all other penalties provided by these rules and by statute, violation of any part of these regulations may result in the suspension and/or revocation of any or all alligator licenses held by the violator and, as further penalty, for serious, repeat, or multiple violations, the Department shall have the right to deny a violator any and all licenses relating to alligators for a period not to exceed three (3) years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:260, 262, 262.1 and 262.2.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 16: (December, 1990).

Jimmy Jenkins
Chairman

At Thursday's meeting Mr. Tommy Prickett presented a **Non-substantive Change in the Fox/Coyote Pens Rule** for informational purposes. Mr. Prickett explained that he would like to make a non-substantive change to the fox/coyote trapping regulations. An emergency rule has been set in place and the regulations are in effect. These regulations prohibit the import of foxes and coyotes from outside of Louisiana for running pens. One of the provisions of this rule is to allow resident trappers to live catch foxes and coyotes to provide for the needs of the running pens for the spot of coyote and fox hunting. A regulation in the rule indicates that to obtain the special permit to live catch the animals a trapper has to have purchased a trapping license for at least the past two consecutive years. Because the fur market has been bad many of the

Jenkins
experienced trappers in the state have not purchased a license for either one or both of the last two years. The department is recommending to the Commission that this be changed to reflect that just two previous years of trapping experience is all that would be required to get the permit. Mr. Prickett advised that the attorneys for the department have informed him this is a non-substantive change and the Commission will not have any formal action on the change. When the final rule is printed the change will be made. Chairman Jenkins asked if they needed a formal resolution. Mr. Prickett advised that the attorneys have told them they do not and that this is for informational purposes so that the Commissioners would be aware of the change. The department has received a lot of calls from the trappers about this and the way the rule is written these people do not qualify commented Mr. Prickett. One of the primary concerns of the implementation of this proposed rule was to make sure that the needs of the running pens could be supplied and if this cannot be done the rule will not work. There be no Commission action needed on this item Chairman ~~Pol~~ called for the next item on the agenda.

Mr. Bob Dennie addressed the Commission and advised that Mr. Paul Jackson, Aquatic Education Coordinator, would be presenting the Free Recreational Fishing Day notice. Mr. Paul Jackson, at Thursday's meeting, presented a **Resolution and Notices of Intent on Free Recreational Fishing Days (Freshwater and Saltwater)**. Mr. Jackson informed the Commission that each year they have been coming to the Commission for ratification of these rules that would enable people to fish on a designated weekend in June as free fishing day. The department would like to have this rule set in place as a permanent rule to where the free fishing days would be the weekend of the first full week in June which is National Fishing Week. This would eliminate the department having to come to the Commission every year with an emergency declaration. Mr. Vujnovich made a motion that this be adopted. The motion was seconded by Mr. Foret and passed unanimously.

(The full text of the resolution is made a part of the record)

RESOLUTION
DEPARTMENT OF WILDLIFE AND FISHERIES
WILDLIFE AND FISHERIES COMMISSION

WHEREAS, Sportfishing provides recreation for more than sixty million Americans of all ages, giving families a healthy, shared outdoor activity, and

WHEREAS, Sportfishing, through the payment of millions of dollars annually for licenses, taxes and fees, has provided the funding for federal and state programs that contribute

significantly to the preservation and protection of our natural environment, and

WHEREAS, The estimated 800,000 plus sportfishermen in Louisiana contribute in excess of one billion dollars annually to our economy, and

WHEREAS, Act 301 of the 1987 Louisiana Legislature authorizes the Louisiana Wildlife and Fisheries Commission to declare no more than two free recreational fishing days each year, and

WHEREAS, Free Fishing Days during National Fishing Week would provide an excellent opportunity to introduce additional individuals to the wholesome outdoor activity of fishing.

NOW THEREFORE BE IT RESOLVED, That we the undersigned members of the Louisiana Wildlife and Fisheries Commission do hereby officially adopt this resolution and attached notices of intent for freshwater and saltwater fishery declaring the weekend of the first full week of June each year as Free Recreational Fishing Days in the State of Louisiana,

BE IT FURTHER RESOLVED, That during these two days residents and non-residents may exercise the privileges of a licensed recreational fisherman without purchase of the any otherwise necessary recreational fishing license.

BE IT FURTHER RESOLVED, That the Louisiana Wildlife and Fisheries Commission does hereby authorize and delegate to the Secretary of the Department of Wildlife and Fisheries, the authority to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to the filing of the Fiscal and Economical Impact Statements, the filing of the Notice of Intent and preparation of reports and correspondence to other agencies of government.

Jimmy Jenkins, Chairman
Warren I. Pol
Norman F. McCall

Bert Jones
Pete Vujnovich
Houston Foret

A. Kell McInnis III
Acting Secretary

Jimmy Jenkins
Chairman

A. Kell McInnis III
Acting Secretary

December 6, 1990

(The full text of the notice of
intent is made a part of the record)

NOTICE OF INTENT

DEPARTMENT OF WILDLIFE AND FISHERIES
WILDLIFE AND FISHERIES COMMISSION

TITLE 76
Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sport and Commercial Fishing

Section. 151. Free Recreational Fishing Days

In accordance with Act 301 of the 1987 Louisiana Legislature, it is the intent of the Wildlife and Fisheries Commission to declare the weekend of the first full week of June each year as Free Recreational Fishing Days in Louisiana to coincide with National Fishing Week each year. On the two above mentioned free fishing days, residents and non-residents may exercise the privilege of a licensed recreational fisherman without purchase of any otherwise necessary recreational fishing license.

Interested parties may submit their views in writing to Bob Dennie, Information and Education Administrator, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:302.
HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 17: (,1991).

Jimmy Jenkins
Chairman

DEPARTMENT OF WILDLIFE AND FISHERIES
WILDLIFE AND FISHERIES COMMISSION

TITLE 76
Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

Section. 339. Free Recreational Fishing Days

In accordance with Act 301 of the 1987 Louisiana Legislature, it is the intent of the Wildlife and Fisheries Commission to declare the weekend of the first full week of June each year as Free Recreational Fishing Days in Louisiana to coincide with National Fishing Week each year. On the two above mentioned free fishing days, residents and non-residents may exercise the privilege of a licensed recreational fisherman without purchase of any otherwise necessary recreational fishing license.

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Jimmy Jenkins
Chairman

television show

Mr. Bob Dennie, Division Chief of I&E, advised that Mr. Wade Byrd has asked, and Mr. Dennie concurs, that he presents this report. The ~~magazine~~ falls under the Information and Education Division advised Mr. Dennie. A presentation on the Louisiana Conservationist T.V. Magazine was presented by Mr. Wade Byrd at Thursday's meeting. Mr. Byrd reported that the department appreciates the Commission's interest and input in the television show. At Mr. Jenkins' request a report was formulated on the initial two seasons of the television show and mailed to the Commissioners. This report gives what has been done so far and what is scheduled in the future for this season. For the first two years the only indication that the department has had of their audience is the Nielsen ratings that are run statewide in the fall and spring. The show runs on the LPB network statewide. LPB in the fall buys just the Baton Rouge market and in the spring they buy the whole state. In both the spring and the fall the Louisiana

*Executive Director
of LPB,*

Conservationist T.V. Magazine was the top rated program. This was top rated prime time and top rated overall with a market share of six which is very good for LPB advised Mr. Byrd. The highest LPB has ever had was a ten which was on a special they had done with a lot of publicity. At the end of this year the department's game plan was to look at the whole arrangement they have with LPB and decide whether or not to continue it or move to something else stated Mr. Byrd. At this time during the meeting copies of a letter from Ms. Beth Courtney ~~with LPB~~ concerning the ratings of the program were passed out. Mr. Byrd advised that in each of the Commissioner's report there was a breakdown on the expenditures for the program and the I&E Division. One of the things that the department wants to attempt is to generate an audience for the show and then use the show in some sort of method to get across some controversial or heated subjects that the department is involved in. This will start this year with two live statewide call in shows. A subject will be discussed live that the department is involved in and the people will have an opportunity to call in and ask questions. The two subjects that the department will work with this year is the Black Bass Management Plan which is scheduled for Thursday January 10, 1991, statewide and the attempt to resolve the conflict between the dog hunters and still hunters. The proposal that is developed by the advisory group and the Commission on this issue will be presented to the people so that they may have an opportunity to respond and ask questions. The second show is tentatively scheduled for March 21, 1991. ✓

Chairman Jenkins asked Mr. Byrd if the whole program is dedicated to the subject matter. Mr. Byrd answered yes and explained that in the Black Bass Management Plan program there will be a very short opening in which they will talk a little bit about what black bass means to Louisiana as far as revenues and then either Dr. Clark or Dr. Kelso from LSU will give a presentation of exactly what the plan is attempting to do, reasons for it, why it is being done, what the results will be and then the telephone calls will be taken. Chairman Jenkins asked Mr. Byrd if he had ever attending any of the meetings where the dog hunting issue has come up. Mr. Byrd answered yes. Mr. Jenkins stated that he thinks the television program will be a surprise. Mr. Byrd stated that hopefully by that time the whole process that the department is involved in, in resolving this issue, will be far enough along that the group will have come up with some sort of a proposal, some public hearings would have information out in the media. Mr. Byrd pointed out that if this issue is every going to be put to rest it needs to have as much exposure as it can. Mr. Jones stated that he has some concerns about whether or not the public will perceive a call in argument show as being good for outdoors. Mr. Byrd advised that it is not a call in argument show. Mr. Jones commented that he is afraid that it very well could be and asked if he was correct in the scenario that there will be an opening format then there will be a call in for discussion of the two issues. Mr. Byrd answered no and the people will not actually be

talking live over the broadcast. They will call in their questions which will be screened and the most common questions will be given to the people that are live on the show. Mr. Jones reiterated that he has concerns of an open format and how it would be perceived with the other sixty percent of the people that are undecided about the outdoors. This is such a negative concept that Mr. Jones is not sure that what happens can be controlled and see that it can become a problem if you get the wrong vein coming through the program. A continuous positive impact is needed through television and this seems like it could have a negative impact stated Mr. Jones. Mr. Jones advised that he has been to a couple of public hearings and does not see how the format or the questions or the answers could change that much.

Mr. Byrd asked if the Commissioners had any other questions. Chairman Jenkins stated that he wanted Mr. Byrd to make a report because he thinks the television influence today is very meaningful and thinks the department has done a good job with the program. It is important that the subject matter of these programs be discussed before they are aired to make sure that all the people concerned are in agreement that the right thing is being done. The dog issue is going to be controversy on how it ought to be done, whether it ought to be done, etc. commented Chairman Jenkins.

Mr. Jones asked if copies of the shows could be secured legally? Is the department selling past show copies? Are they available? Mr. Byrd answered that they are not being sold but are available. The shows have been designed in such a way that the individual segments can be used by teachers. At the end of the season all the segments are condensed, put on a tape and indexed. These are used in the educational program so that the teachers can use them in their classes. These are also available from the library of the department. At this time during the meeting Mr. Byrd introduced Mr. Guy LeBranche and Mr. Karel Bauer who were instrumental in putting this program together.

Mr. Jones stated that he was trying to figure out the exact cost of the program on a per show basis. A significant amount of income is being spent and the Commission and department need to make sure that appropriate benefits are being received which they probably are commented Mr. Jones. Mr. Byrd advised that this is shown on page five of the report. Mr. Jenkins stated \$162,975. Mr. Byrd answered that is correct and this was all direct cost for the television show. Mr. Jones asked if this was about \$13,000 a show? Mr. Byrd stated yes and divided by sixteen that is being produced this year, so it is about \$12,000 to \$14,000. The department is running fifty to sixty percent of what the average price for video production is and it is felt that a good job is being done as far as keeping the cost down commented Mr. Byrd. Mr. Jones stated that to finish his question about a personal library where could he secure copies of the show properly. Mr. Byrd stated that he would take care of this personally. Mr. Vujnovich asked if it would be

illegal to put a price on this. Mr. Byrd answered that he did not know if it would be illegal but thinks it could be done. Mr. Vujnovich stated that he has had many phone calls about the show and even the commercial people are pleased. Mr. Byrd advised that one of the things the department wants to look into next year is commercial television stations and syndicate the show. It is felt that a lot larger audience would be drawn on commercial television. Mr. Vujnovich stated that the reason he had asked the question is because in his family he has school teachers who like to show programs and these programs would be real nice to show the children. These children are the future of our nation and we have to start educating them from very young if they are going to survive advised Mr. Vujnovich. Mr. Byrd commented that he agrees with Mr. Vujnovich and the show was designed with teachers in mind. If Mr. Vujnovich would give Mr. Byrd the names of the teachers he will make sure that they receive copies of the show when they are condensed for use in the classroom. Chairman Jenkins asked if anyone in the audience would like to ask Mr. Byrd any questions about the television program. There being none Chairman Jenkins went on to the next item on the agenda.

Dr. Jerry Clark, at Thursday's meeting, presented the **Jewfish Rule** for ratification. Dr. Clark advised that the Commissioners had a copy of the rule in their packets. The rule has gone through the notice of intent and passed the Oversight Committee unanimously. The only comment that Dr. Clark remembers hearing was "that if you don't allow a harvest by someone then you can't get any data and if the fishery was closed it is apparently being closed because the resource is in trouble but if you can't get any more data how can you tell if it is getting better, etc." Dr. Clark stated that he personally does not think that a recreational or commercial harvest is the best way to get data on anything and this is his response to the comment. The purpose of the rule is that the federal government through the Gulf of Mexico Fishery Management Council has determined that this fishery is in great trouble and has closed it in federal waters. Jewfish are not prevalent in state waters but if the state does not do a closure then there is a loophole that somebody can say that they caught it in state waters. The closure is for three years and the department will be back addressing this at the end of the three year time period advised Dr. Clark. Dr. Clark read the proposed rule. Chairman Jenkins called for a motion. A motion was made by Mr. McCall for adoption of the rule. The motion was seconded by Mr. Pol and passed unanimously.

(The full text of the rule is
made a part of the record)

RULE

Department of Wildlife and Fisheries

Wildlife and Fisheries Commission

Title 76
Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

Section 337. Taking and Possession of Jewfish Prohibited

The Louisiana Wildlife and Fisheries Commission hereby prohibits the taking and possession of jewfish (Epinephelus itajara) from within or without Louisiana waters for the three period November 1, 1990 to October 31, 1993.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:22.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 16: (December, 1990).

The **Marine Finfish Report/Budget** was presented by Dr. Jerry Clark at Thursday's meeting. Dr. Clark reported that a relatively brief report on the Marine Finfish Section was mailed to each of the Commissioners. The report contained information on how the section was created and its activities since its creation, budgets for the last three fiscal years and a projected budget for next year, information about the activities with respect to the number of samples taken and the kinds of samples that are taken within that Finfish Section in each of the years. Dr. Clark asked if the Commissioners had any questions about the report.

Chairman Jenkins advised that his reason for having Dr. Clark update the Commission on the section is that since the freeze last winter there have been a lot of questions asked and there has been criticism on the apparent lack of data and information about saltwater fishers and what goes on. The question that keeps coming up is what are we doing with the monies that are collected specifically to enhance the saltwater fin fisheries stated Chairman Jenkins and asked Dr. Clark to give the history of what has been done, what is being done and what is intended specifically with the funds for the people attending the meeting and others that may be interested.

Dr. Clark reported that there was an act passed in the spring of 1984 that created a Saltwater Recreational Fishing license and also at the same time dedicated those funds and other funds from the commercial licenses to a Finfish Section. By the summer of 1985 enough money had accumulated in those accounts that the department began hiring people. Originally the plan was, given some projections on how much funds there would be, for thirty to thirty

and
three people in the section statewide to do the duties of the finfish section. Until the 1987-88 fiscal year the number of people in the section never got above twenty. At this point in time the layoff occurred and the Finfish Section was accumulating revenues. About six of the people who were part of the agency were moved into that section and this is where you get the twenty six people in the field staff in 1988-89. The principle activities of this section has been the monitoring of gill net samples, trammel net samples, bag seine samples. However, they have also participated in the commercial landings program, the TIP program which is the federally funded program for at the dock measurements of lengths and weights of commercially landed fish to see how many pounds of each species are landed, what the sex is, age, and characterize the landings by species. The section most recently has been working on the Marine Finfish Fishery Management Plans that the department is in the process of doing. The red drum and spotted seatrout plans will be due at the end of this calendar year. A black drum plan has been completed and the department is also working on a mullet plan. The section has also been involved in some of the activities with respect to the Gulf Council (snapper being the most recent). Even though they have been involved in a lot of activities their principle activity has been and will continue to be ~~for now is~~ the collection of the routine standardize fishery independent data collection.

Chairman Jenkins asked if Dr. Clark knew the amount of money that has been collected the last two or three years from the saltwater licenses. Dr. Clark advised yes and no. They have been unable to get the most recent year but on page 3 of the report is the Marine Finfish budget. Dr. Clark has talked to Ms. Baker and her staff and the best estimate for 1989-90 is that it is not ~~not~~ going to be significantly different from what they were in 1988-89. Mr. Jenkins stated that in 1987-88 a million one hundred and thirty three thousand dollars was collected and in 1988-89 a million two hundred thousand five hundred sixty eight dollars was collected and asked Dr. Clark if he thought something like this would be collected this year. Dr. Clark answered yes.

Mr. Jones asked that since the department has started receiving these revenues what has been done differently? Mr. Jones stated that he keeps hearing that we are comparing it to the same seine and net sampling for the last twenty years. Dr. Clark answered that this was not true at all. Prior to fiscal 1985-86 or 1986-87 there was no routine monitoring statewide, year to year, using this gear. There were special projects of a one time nature but prior to the establishment of this section there was never routine, ongoing monitoring of marine finfish at all pointed out Dr. Clark. This is all new activity. Dr. Clark stated that for thirty years there have been shrimp trawls and for thirty years or more there has been routine monitoring of the oyster industry but only on an ad hoc or a one year basis, which were years apart, was anything ever done for marine finfish by the agency.

It would be an

Chairman Jenkins asked Dr. Clark if he wanted to talk about the future. Dr. Clark stated that the department is in the midst of constructing the proposed budget for next year and for at least the last two years the Office of Fisheries has proposed to add staff to the Marine Finfish Section to do a creel survey. Last year during the budgeting process the office made the proposal but the proposal never left the building and was not part of the budget documents that were sent to the Division of Administration. This year the office has done the same thing and in fact has done even more. These budgets have been prepared and the Office of Fisheries is proposing to add sixteen positions directly to the Marine Finfish Section whose principle activity would be a marine creel survey, ongoing, statewide, boat ramp survey like the kind of ~~survey that~~ they have in Texas. Also being proposed is seven new positions in the Office of Fisheries in the Marine Fisheries section that would create a new regional office east of the river so that the department could get into Lake Pontchartrain, Lake Borgne for the first time ever to collect samples. Dr. Clark advised that the Commissioners had been sent a map showing where gill net samples and trammel net samples are taken across the coast and if you would look at the Lake Pontchartrain, Lake Borgne area there is one sample site in the pass between Lake Pontchartrain and Lake Borgne. Along other parts of the coast the sampling is quite evident. Over the past few time periods there has been some questions about Lake Calcasieu and the map shows where the samples are taken in the lake pointed out Dr. Clark. By adding the extra office the department would be into Lake Pontchartrain and Lake Borgne and would add additional stations so that the same kind of coverage could be gotten that is gotten from the rest of the coast. Also the Office of Fisheries is proposing to add some new positions in the new Research Division to try to increase the capabilities of analyzing all the data that is received. *and*

Chairman Jenkins stated that to do these things you have got to understand that we are talking about additional revenues. Dr. Clark added that you are talking about significant additional revenues and just the additions to the two sections that are being discussed would amount to about \$1.2 million for the first year. In the first year it is going to be higher because the people would have to be equipped. This would significantly drop off after the first year. This is not going to happen unless people who want to see it happen become part of the legislative and administrative process for putting the budget together stated Dr. Clark.

Chairman Jenkins asked if any of the Commission members had any questions. Mr. McCall asked how often were samples taken from the eight stations in Calcasieu Lake. Dr. Clark advised that the number of samples that are taken are taken on a fixed schedule every month and asked Mr. John Roussel to address this. Mr. Roussel stated that each one of the colors on the map represents a different type of sample. The gill net sample stations are

sampled twice per month the entire year. The seine stations are sampled once per month the entire year and the trammel net stations are sampled once per month only during the cool weather months from October through March. Mr. McCall asked if the same system is used for the entire coast. Mr. Roussel answered yes, the sampling period is identical for each type of sample throughout the entire coast.

Chairman Jenkins asked if there were any other questions from the Commission. There being none he asked if anybody from the audience would like to make a comments or ask a question.

Mr. Maumas Claveris, 830 Union Street, New Orleans, LA, addressed the Commission. Mr. Claveris asked how is the work that is being done and the future work that Dr. Clark is thinking about coordinate with the work that the federal system is doing and plans to do in the future.

Dr. Clark advised that there are two forms of federal activity in Louisiana. The first form is the Marine Recreational Fisheries Survey and the other is the granting to the Department of Wildlife and Fisheries of federal funds to do the TIP program, etc. The change in the TIP program and the federal funds would be that the department would probably bring all the current activity that is funded at LSU home. Right now LSU is just a past through and instead of LSU hiring the people to go out and do the surveys the department would do this with the additional people. The Marine Recreational Survey is a more difficult question stated Dr. Clark. The only other state in the Gulf that has its own ongoing full time recreational survey is Texas and basically when Texas did their survey they asked the feds to leave. The current Federal Marine Recreational Survey was originally designed and is still designed such that it was never suppose to provide information that was useful as a statistical tool for an area as small as a state. It was put together to answer questions such as what are the marine recreational landings of king mackerel in the Gulf and how do they vary from year to year. The answer to Mr. Claveris' question is it would have to be worked out in the future advised Dr. Clark. One of the possibilities is that department people could be used to augment the federal samples such that Louisiana could get data that would be significant or statically valid for the state. Another alternative would be to ask the feds to dedicate the funds that they are currently using in Louisiana to take samples for the state program, ask the feds to use part of the funds that are currently dedicated to Louisiana to do specialized surveys. Some of this has been done in Texas with Headboat Surveys. Another way to deal with this would be if the feds are not willing to do any of this that they pull out their money and go somewhere else commented Dr. Clark.

Mr. Mark Hiltzan, GCCA, Baton Rouge addressed the Commission and asked the following questions. Is menhaden included in the Finfish

Section as far as an area of responsibility? Dr. Clark answered yes. Is other seafood sampled other than finfish? Dr. Clark answered that the department tries to keep track of everything that is caught in every sample. Is this sampling information relied on for other fisheries? Dr. Clark answered yes, any information that is collected is used anywhere it can be put to use. Would Wallop-Breaux money be available for creel surveys or to augment Office of Fisheries? Dr. Clark answered technically yes but all Wallop-Breaux dollars are currently part of the budget process and are being spent. There are no Wallop-Breaux dollars being ~~turned back~~ ^{returned} into the feds and any Wallop-Breaux dollars that were moved from one section of the current expenditure to the Marine Finfish Section would have to come from another section's funds and funds for that section would have to be found elsewhere. ^{Dr. Clark} advised Dr. Clark. If the department and Commission decided that they did not want to do some of the projects would the Wallop-Breaux funds be legally available for a creel survey? Dr. Clark answered yes. Has the department looked into the possibility of using other type of labor resource, possibly a cooperative program with the universities? Dr. Clark answered theoretically yes but given the fact that the Office of Fisheries is spending currently about \$600,000 a year funding university activities he would be surprised if universities would be willing to fund the department's activities out of their budget. Is the sampling program being looked at so that there is a comfort level with the approach? Dr. Clark answered yes. What is the status of the reorganization? Dr. Clark answered that any reorganization that was going on in the Office of Fisheries has been completed for several months and everyone is at their new job assignment and duties. What is the progress of the commercial reporting program that was instituted by law in 1989 and the success? Dr. Clark answered that the department is now getting all wholesale, retail dealer reports and for the first time in the history of the state are actively monitoring every licensed dealer and telling them that by law they are required to file their reports. Six weeks ago the department received its first computer printout from the Marine Finfish Section on what dealers were reporting and not reporting. Those not reporting was about fifty percent. Dr. Clark advised that he talked with Acting Secretary McInnis and asked if the Law Enforcement Section would help with this problem. Mr. McInnis took this information to a regional meeting of the law enforcement officers, handed out the report and every wholesale, retail dealer in the state of Louisiana is being currently visited by law enforcement if they are not reporting. These reports will continue to be given to the Law Enforcement Section and if the department has to go back for a second or third time to a non-reporting dealer they will be receiving a ticket. Dr. Clark advised that the department is also facing a brand new reporting system that was passed at the last legislative session by Representative Randy Roach which requires a trip ticket system which is going to make major changes in the way the commercial data is being reported and the department is in the process of trying to gear up for this.

This new system will make it better for the department reported Dr. Clark. There are two different points about a commercial landings report, one is that you receive it and the other is that it is accurate.

Chairman Jenkins asked if this was going to affect the department's ability to count things like the speckle trout quota a little better? Dr. Clark answered that it is only going to get better.

Mr. Hiltzan stated that he thought the trip ticket system will require some rule making on the part of the Commission and asked when did the department think this would be on line? Dr. Clark answered that Ms. Bettie Baker will handle a lot of this and that January 1992 is when it has to be on line. Ms. Baker will be sending people to Florida because the Florida trip ticket system was the model legislation that Louisiana now has in place. Dr. Clark pointed out that when you go into a trip ticket system every dealer who purchases from a commercial fisherman has to fill out a ~~sheet of paper~~ ^{Form} for every purchase, ~~three part form~~, and send the ~~form~~ to the department. This is a lot of paperwork and the only way the department is going to effectively deal with ~~the this is~~ ^{it} if Ms. Baker's section can get the additional funds that they will ^{it} need for computers, clerical people and keypunch people to make the data available to the department. This is part of the increase budget request that the department is making for this year.

Mr. McCall asked Dr. Clark why were there no samples taken on Sabine Lake on the Louisiana side? Dr. Clark informed the Commission that Louisiana has a joint agreement with the Texas Parks and Wildlife Department by which Texas is doing a complete regiment of sampling within the lake including the Louisiana side and the department has full access to that data.

Mr. Jones stated that maybe this is an enforcement problem and asked how many visits by the Law Enforcement Section will be allowed to the licensed dealers before a citation is issued for noncompliance with reporting? Colonel Winton Vidrine indicated that they will have one visit. Dr. Clark added that the reason for this is that all of the forms and all of the means by which the people are being contacted to make sure that they understand, that they have the right forms, how often to do it, and how to do it has all been done through the mail. There is no way the department has the personnel to hand deliver these forms to all of the people. There is also no way that the department knows that these people got their instructions and forms. The visit to the non-reporting dealer is not just a visit to say send a report, ^T ~~the visit is to~~ actually hand deliver a complete set of documents and by doing this the department can check off that dealer knowing that they know what they are suppose to do. If the dealer has to be visited again and cited the department can win the case in court but if they go to court the first time the department will not probably win. All the dealer has to say is that they never received the papers in the

For giving a ticket⁴³

mail. Mr. Jones stated that he guesses his point is that this is like abiding by two different rules. When he buys a hunting license he has to know what the rules are and if he breaks the law and has a warden visit him he would have a citation written. Dr. Clark pointed out that a hunting license cannot be renewed through the mail and that a lot of the licenses issued by the department can. Mr. Jones stated that his point is that it is on his shoulders to understand the law and abide by the law and that it is not on his shoulders to wait until somebody visits him and tells him that he is not abiding by the law and next time he should. Dr. Clark commented that he appreciates this and stated that he was told that the only reason that this is being done is that there would be no conviction. Mr. Jones advised that he was not mad at anybody but just saying that it sounds inconsistent in the way that the laws are enforced and that you are either in violation of the law or not in violation of the law. Mr. Jones stated that he was just trying to get clarification because it sounded different to him in regards to other laws of wildlife.

Mr. Maumas Claveris, New Orleans, addressed the Commission again. Mr. Claveris stated that as he recalls from the origin of the Finfish Section that it came out of the task force that Treen appointed and Edwards kept going. This task force had both commercial and recreational fishermen, consumers, scientists, etc. The concept of the Finfish Section was going to be saltwater finfish which by nature includes both commercial and recreational sectors. The money was coming from the sale of these licenses and a good part of the license money comes from the recreational sector on the five dollar add on. There was going to be money coming from the commercial sector on licenses that were either increased or the revenue from existing licenses were changed from where it had been allocated and put into the Finfish Section. It was clear that both commercial and recreational fishermen would be contributing money directly to the Finfish Section. There was a vast change in the commercial licensing setup in 1987. Mr. Claveris asked how much of the effort of the Finfish Section is directed towards genetic fish studies, recreational situations and commercial situations and how much of the income derives from recreational versus commercial. This is one of the questions that keeps being asked stated Mr. Claveris. Chairman Jenkins advised that last time he looked at this it was something like twenty five to thirty percent was commercial and the rest was recreational income. Mr. Claveris asked about the expenditures. Chairman Jenkins stated that he did not know and Mr. Claveris would have to ask Dr. Clark or Ms. Baker. Mr. Baker advised that there is about eight hundred to nine hundred thousand dollars coming from the recreational side and the balance was commercial, four hundred thousand to five hundred thousand, on the income. Mr. Claveris pointed out that there may be room for investigation and discussion of piggy backing with the federal system. The last time this was tried was in 1984 with the creel survey. The data from 1984 is considered the best year of data wise that the state has had in several years. The recreational

not
survey that the feds do is a statistical survey and consists of two components. One is the dock side sampling and the other is a national telephone survey. These surveys do not obtain the correct information and what is needed is a system of gathering and maintaining data that is accurate and creditable to the fishermen involved on both the commercial and recreational side. Mr. Claveris stated that in 1987 the commercial side was told that the federal system works such that there are six people in Louisiana who do nothing but sample all the commercial saltwater fish houses. These agents go in monthly and the more active the fish house, the bigger the buyer, the more often the agents go to the fish house. The fed's thought they were in the ninety percent plus range of accuracy. There was testimony from the commercial sector during the 1987 legislative session where maybe the agents were only counting ten percent of the fish landed and the other ninety percent was slipping by. For certain purposes this is o.k. as long as the percent they are getting versus the real percent remains the same. But for other purposes it is not to good. There is the same problem with the commercial fishery that there is with the recreational fishery only more so because they know that the data that the department is using in imposing restrictions on them is probably ~~no where~~ accurate because they know that they have hidden a lot of their catch from scientists through design or accidents because the scientists have not done it right. The state has to move towards a system that does three things stated Mr. Claveris. Coordinate carefully so that what money is received can be well spent to get information that is not only accurate but creditable to the fishermen so that they will understand that what you are doing is based on good numbers and then they will be more willing and able to comply without complaint. This cannot be done unless the state can cooperate with the federal system at least to the extent of not doubling on anything. The state would have to spend a lot more money to have their own system. Texas claims that their recreational system is better ~~and they will give a big lot of opinion that it is better~~ but when you get down to the details of what they are doing the quality is much better commented Mr. Claveris. Both systems have a little deviation from real accuracy but the Louisiana system has the capability, if run well, to be good. You have to look at the quality as well as the quantity of what is going on concluded Mr. Claveris.

Dr. Jerry Clark asked that the **Proposed Notice of Intent on Freshwater Fish/Head and Caudal Fin Intact Rule** be pulled from the Commission meeting agenda. Dr. Clark reported that at the last Commission meeting the notice of intent on the black bass plan was passed. At that meeting the issue of heads and tails intact (filet bill) was discussed and the decision to postpone any action on this issue was decided upon. The department has come up with something on this issue but has decided to withdraw it from the agenda. The reason being that if something is done at this Commission meeting on this issue it would have to be an emergency rule. A filet

opened

bill for freshwater, ~~heads and tails intact action~~ is a fairly significant change to the way fishermen in freshwater have ~~had to deal with~~ over the years. Dr. Clark explained that if an emergency is done today that a notice of intent would have to be done at the next meeting and the proposed rule would have to go to oversight committee. When an emergency rule is done it is done for season openings and closings and the kinds of things that are a true emergency. Dr. Clark advised that he has talked with Acting Secretary McInnis and it is basically the opinion that if the department goes with an emergency on this they might run into some problem with oversight because when you do an emergency they do not have the opportunity to do oversight and it is almost like you are trying to get around them. The department is proposing that nothing be done at this Commission meeting, come back next meeting with a notice of intent, go through oversight and proceed through a final rule making 150 days from now. Dr. Clark asked the Commissioners that this be pulled from the agenda. Chairman Jenkins asked if any of the Commissioners had any objection. There being none the item was pulled from the agenda.

At Thursday's meeting Mr. Tommy Prickett gave an **Update on the Alligator Program**. Mr. Prickett reported that Mr. McCall had written a letter requesting a update particularly with regard to the finances and vacancies in the Alligator Farming Section. Mr. Prickett pointed out to the Commissioners that in each of their packets was a update on the projected revenues and expenditures for the program for fiscal year 1990-91. The projected revenues for the program is slightly over eight hundred and fifty thousand dollars during this fiscal year. The ~~amount~~ approved budget for the year ~~to be spent~~ is five hundred and eleven thousand ~~odd~~ dollars. Collections to date is four hundred and forty thousand and expenditures to date is about two hundred thousands. Operating services account for almost fifty percent of the expenditures and in that category a little over a hundred thousand is for helicopter time for doing nest surveys, etc. pointed out Mr. Prickett. With regard to the personnel vacancies Mr. Prickett stated that the list for the Alligator Farm Biologist position has been called for and if there are eligible candidates on the list a person will be appointed. Interviews for the Non-Marsh Alligator Coordinators job, which is in north Louisiana, were held Monday, December 3rd, and a candidate was selected. The paperwork has been done and awaiting approval by Acting Secretary McInnis. A Civil Service list has been called for on the four Specialist positions which are non-technical positions and should be received within a week or ten days. Mr. Prickett explained that there are two attachments to the report. One gives the projected and actual revenues for last year and this year. The total revenue projection this year is eight hundred and fifty two thousand dollars and the bulk of this will come from the four dollar tag fee which is about five hundred and ninety four thousand dollars.

Mr. Pol asked about the projected revenue of eight hundred and fifty two thousand dollars and the approved budget of five hundred and eleven thousand dollars and where was the other three hundred and fifty thousand dollars going.

Mr. Prickett explained that initially there was a projected revenue of somewhere in the order of four hundred and fifty thousand dollars for the program. There has been some recent developments because of the rapid increase in the number of alligator farms and the revenue projection has been increased with an anticipation that an additional seventy thousand alligators will be harvested between now and June 30th. In the last week or two the revenue projection has been revised upward. Mr. Pol asked again where was the additional three hundred and fifty thousand dollars. Mr. Prickett stated that all of the revenues from the Alligator Program goes into the Conservation Fund and the Fur and Refuge Division budgets what is needed to meet the needs of the Alligator Program. This year it was deemed to be five hundred and eleven thousand dollars. At this time during the meeting it was pointed out that the projected budget that the Commissioners reviewed earlier was the 1991-92 fiscal year and the five hundred and eleven thousand dollars budget figure was prepared a year ago. At that time the projection for revenue was four hundred and fifty thousand. Mr. Pol asked what it would be for 1991-92 budget. Mr. Prickett answered that the projected revenue for that year is eight hundred forty thousand seven hundred dollars. Mr. Pol stated that whether it is for 1991, 92 or 95 it is still three hundred and fifty thousand dollars short and asked if this money is going into the Conservation Fund. Mr. Prickett answered that was correct. Acting Secretary McInnis added that the approved budget for the current year was established over a year ago based on projections. The projections have been updated based on this year's sales and use of the tags. Just in the last week, ten days, the projected revenues have been revised from those sales. This is where you are seeing the difference of the three hundred and fifty thousand dollars in the updated projection as opposed to the original projection which was a year ago explained Acting Secretary McInnis. Mr. Pol commented that his point is that if money is needed in the Finfish Section how come the addition three hundred and fifty thousand dollars that is being projected being put in the Conservation Fund instead of projecting it over to the Finfish Section. Acting Secretary McInnis explained that the department is prohibited currently from moving any funds without going to the Budget Committee and getting a BA-7. Chairman Pol asked if they could go to the Budget Committee. Acting Secretary McInnis answered yes you can to the Budget Committee but understand that these funds are in the Conservation Fund at this time and to get permission to expend any new funds you have to go to the Budget Committee and get approval for any funds over and above which you have originally budgeted last year. Mr. Prickett responded that this projection shows excess revenues generated by the Alligator Program. The Fur and Refuge Division which manages the Alligator

Program is actually two million dollars short right now because there was a projected revenue figure for Rockefeller Refuge of almost three million dollars and it is only going to generate a million. The three hundred thousand hopefully will go into the Conservation Fund and make up for some of the lost revenue. Mr. Pol stated that his only point was that the alligator fund seems to be prospering and the fishing seems to be going down.

recall Mr. McCall asked what was the figures at the end of last year. Mr. Prickett stated that the actual revenue at the end of last year was five hundred and two thousand, one hundred and nineteen dollars. Mr. McCall asked what the budget was. Mr. Prickett advised that he could not call what the budget was last year and asked Ms. Baker if she could address this. Ms. Baker answered no, but expenditures were about three hundred dollars. Mr. Prickett pointed out that some of the vacancies have not been filled and he does not anticipate that they will actually spend five hundred and eleven thousand dollars during the fiscal year on the program. It should be something less than that. Mr. McCall asked about the person that had been hired to work with the Alligator Program when Secretary Van Sickle was heading the department. Mr. Prickett explained that the individual has transferred to another division within the department. Mr. McCall asked when he transferred. Mr. Prickett answered October 10, 1990. Mr. McCall asked how soon did Mr. Prickett think the position would be filled. Mr. Prickett advised that he could not answer the question but hopefully within the next month it would be filled. The list has been called for and as soon as the list is received interviews will take place. Mr. Jones stated that he thought it was not a bad idea of not spending all the money. Mr. Prickett stated that the program is going to continue to go as long as the price holds for alligator hides. *That*

Chairman Jenkins asked if there were any more questions from the Commission or from the floor. There being none Chairman Jenkins went on to the next agenda item.

At Thursday's meeting Colonel Winton Vidrine presented the **Monthly Law Enforcement Report for November**. Colonel Vidrine reported the following cases were made for November.

Region I - Minden - 120 cases with 4 being made by other division specialists. Twelve deer, six wood ducks, rifles and a remington shotgun were confiscated.

Region II - Monroe - 106 cases with 6 1/2 deer being confiscated.

Region III - Alexandria - 236 cases with 50 being made by other division specialists. Fifty six ducks, one goose, one otter, nine deer, six rifles, shotgun and an electric caller were confiscated.

Region IV - Ferriday - 112 cases with 41 being made by other division specialists. Sixteen deer, eight squirrels, one rabbit,

one bobcat, eight ducks, four shotguns and two rifles were confiscated.

Region V - Lake Charles - 230 cases. Ninety three ducks, two rabbits, one deer, 1,381 pounds of shrimp, two geese and a woodcock were confiscated.

Region VI - Opelousas - 149 cases with 23 being made by other division specialists. One live deer was confiscated and it was released on Sherburne. For raccoons, thirty pounds of shrimp, fifty pounds of shrimp, one squirrel, seven bass, one fifty foot gill nets, eight coots, one deer, six wood ducks, five other ducks, one rifle were also confiscated. Chairman Jenkins asked about the live deer and Colonel Vidrine explained that it was penned up behind a house and the person had no Game Breeder's permit.

Region VII - Baton Rouge - 172 cases. Five deer, six wood ducks, ten pieces of deer meat, gill net, six rifles, one pistol, five shotguns and one spotlight were confiscated.

Region VIII - New Orleans - 317 cases. A lot of the cases pertained to commercial fish. Twenty four cases were possession of undersized black drum, eleven taking commercial fish without gear license, eleven possession of oysters without harvester's license, six trawling in restricted area in Lake Pontchartrain, fourteen using lead shot in a designated steel shot only area. One deer, fifty three ducks, one hundred thirteen speckled trout, one hundred sixteen black drum, eight four whole redbfish, eight hundred seven pounds of catfish, two sheephead, seventeen hundred sixty one pounds of undersized catfish, two hundred and eight nine pounds of shrimp, five thousand seven hundred and eight seven pounds of shark, one hundred sixty pounds of black drum, seven trawls, eleven boats, five gill nets, pickup truck, and a boat and trailer were confiscated.

Region IX - Gray - 341 cases. Possession of undersized red drum, undersized spotted seatrout, black drum, several shrimp cases. Twenty five cases were for untagged migratory game birds, sixteen for over limit of ducks. Confiscated two hundred and sixty three ducks, thirteen gallinules, sixteen and a half sacks of oysters, twenty five bowfin, couple of alligators, seven rifles, one outboard motor, two trawls, three gill nets, four shotguns and a duck blind.

SWEP issued eleven citation and confiscated two trawls, ten thousand eight hundred feet of gill nets and two hundred pounds of shrimp.

The Oyster Strike Force issued twenty three citations and confiscated thirty four sacks of oysters and three gill nets.

The total number of cases for the month of November was 1817 citations issued by department personnel. Out of these 257 were issued by department specialists

Colonel Vidrine stated that the Law Enforcement personnel had a very active month and worked a lot of hours. They did a good job commented Colonel Vidrine.

Mr. Jones asked Colonel Vidrine why is it the department is enforcing private trespass laws within the oyster business and not in other areas of game and fish. Colonel Vidrine explained that they do this if there is an agent present at the time that can witness the violation. Major Tommy Candies advised that they enforce criminal trespass on properly marked oyster leases. Mr. Vujnovich stated that this was one of the industry's biggest problems. Major Candies commented that you have got to either own the lease or have written permission in possession while working oysters. Chairman Jenkins remarked that he thought Mr. Jones' question was why doesn't enforcement do this on private property other than oyster leases. Major Candies stated that they do but they like to have the landowner sign an affidavit saying that they want to file charges. Enforcement has been burnt in the pass by citing someone for being on private properties, filed charges and when it was time for court the landowner will say he did not mean that person, and that it was alright if he was hunting on his land explained Major Candies.

Mr Vujnovich advised Major Candies that quite a few people were caught stealing oysters from his oyster leases and on every citation issued he had to go to Pointe A La-Hache, bring his lease and prove to the judge that he owned the leases. In one month, December, Mr. Vujnovich spent fifteen days in Pointe A La-Hache. The problem was quite serious a few years ago but now it is diminishing with the help of the enforcement people and good judges stated Mr. Vujnovich.

Chairman Jenkins asked Colonel Vidrine if he could say from what he knows right now whether the duck violations are better, worst, normal, etc. this season. Colonel Vidrine advised that the citations issued are under what they were last year.

Colonel Vidrine pointed out to the Commissioners if they would look under Region VII of the Enforcement Report that they would see that there was seventeen citations issued for criminal trespassing on private property. The agents do not go out and look for people that are trespassing unless the landowners have asked for assistance. Mr. Jones stated that he guesses his point it that the agents do look for it in the oyster business. Colonel Vidrine answered yes they do.

Mr. McCall asked Colonel Vidrine if he could share anything with the Commission in regards to Calcasieu Lake the last few days?

Colonel Vidrine advised that the first call he received was Monday morning from Mr. McCall and agents were sent to the area. Also one of the planes is flying daily flights. Yesterday the agents from Lake Charles confiscated six thousand and something feet of unattended gill nets. Additional information was received yesterday afternoon that there was quite a few nets in certain areas of the lake, in the passes. Enforcement Agents were sent to the lake this morning and as of 1:00 p.m. they had picked up twenty two gill nets and cited one person for unattended nets. The agents are still out there picking up a lot of nets Colonel Vidrine informed the Commissioners.

Chairman Jenkins stated that he did have a call from some people that had complaints and he told them he thought it would be alright for them to come to this meeting and address the Commission.

5 ~~Mr. Mark Hiltzan, GCCA, addressed the Commission. Mr. Hiltzan reported that over the last month or so he has gotten a tremendous number of calls about out-of-state mullet boats in Louisiana. This started about a month and a half ago generally being more around New Orleans and Plaquemines. About a week and a half ago calls started coming in from the Lake Charles area. There are several general concerns. One, just looking at the mullet alone there is concern about the mullet. The people that went out after the freeze and looked at dead fish, saw that the three most prevalent kinds of larger fish were speckled trout, red fish and mullet. A lot of mullet were killed. It is not know how much of the whole population was killed. Mr. Hiltzan stated that he has heard that there were as many as three hundred and fifty boats in Louisiana right now. These are mostly Florida boats and literally as one fisherman told another "fish them until we get the last one and then we are going to leave". There is tremendous pressure on the mullet and it cannot possibly be at its best stock condition because it took a serious beating like the rest of the inshore fish did in the freeze last year. Louisiana is managing this fishery and managing it in such a way that we are encouraging these people, who have taken all their own mullet, to the point where it is not profitable to fish them this time of year, to come to Louisiana and take everything that they can get until there is none left commented Mr. Hiltzan. Mr. Hiltzan stated that the recreational and a lot of the commercial fishermen are concerned with the fact that it is all out-of-state fishermen and questioned what the state was seeing out of this. Another concern is the predator-prey relationship. Mullet is a very important bait or feed source for the fish that sustain the recreational and a part of the commercial economy at this point. There are questions about just mullet in general, whether this fishery is safe, and shouldn't the state be taken some kind of an emergency look at the fish. There is concern about the whole control issue. There are three hundred and fifty people with very, very efficient gear who could care less about what is left because they do not live here. These people are out on the water every second that they can possibly be with the~~ 11

attitude of taking everything that they can get until it is all gone and then leaving commented Mr. Hiltzan. There is concern about the ability of enforcement to even keep up with this problem. There is every kind of activity that you can name going on in the coastal area right now stated Mr. Hiltzan and there is concern about the kind of enforcement situation that is out there. The people from Lake Charles and Mr. Hiltzan wants the Commission to look at this and address the subject. Mr. Hiltzan turned the floor over to the people from Lake Charles.

Mr. Doug Cook, President of Lake Charles Chapter/GCCA, addressed the Commission. Mr. Cook stated that what they are concerned with in Calcasieu Parish is that there is an enforcement problem which is a serious problem. Mr. Cook advised that they have got some video tape that they would like to show. The point in taking the video tape was not to make the agents look bad but more to point out to everyone that it is a very large problem for six agents to cover two million acres of land. Mr. Cook informed the Commissioners that he works for a company that owns about a hundred and thirty five thousand acres of timber land and he is very familiar with the problems of trying to oversee the land. This past weekend there were probably seven witnesses which saw the mullet boats with one catching well over three hundred red fish in its nets, loaded them in the boat and took off. This incident was reported and not a whole lot was done. The person that reported the issue was given some bad advise that she could not pursue it because no agents were there to witnesses what happened. Mr. Cook stated that he understands that it is a necessity that you have agents available to halfway witnesses what is going on and that the penalties that are currently on the books for violators need to be reviewed. Louisiana is not protecting its marine resources in Calcasieu Parish stated Mr. Cook. Mr. Cook introduced Mr. Jeff Poe who took footage with a video camera yesterday after the Wildlife and Fisheries Department did their sweep of Calcasieu Lake. Mr. Poe filmed ninety nine unattended nets yesterday. These nets have serious algae growth on them and they are being confiscated this morning. Mr. Cook advised that he talked with Mr. Jamie Collins last night at 11:30 about this issue. This problem is serious and enforcement does not have enough people to do what needs to be done in Calcasieu Parish, they need more people pointed out Mr. Cook. At this point during the meeting Mr. Poe showed the video tape on the unattended gill nets in the ship channel.

Upon completion of the video Chairman Jenkins asked Mr. Poe is what he said was that these unattended gill nets have been going on since August? Mr. Poe answered late August, early September and the main purpose for these little short nets is to catch flounder but it is not specifically going to catch one species of fish. Mr. Poe has seen red fish and trout being pulled out of the nets. Chairman Jenkins asked Mr. Poe if he has reported the unattended gill nets? Mr. Poe answered these right here, no he hasn't. A lady from the audience stated that they have been reported and when

asked where the nets were the enforcement agents were told up and down the ship channel. The agents would then ask for a specific spot and they are told up and down the ship channel. They have got to have a specific spot or they cannot seem to find them she stated. Mr. Poe stated that last year he had reported these same nets and he was told that there was some kind of a different law that went into effect, something about it being on the ship channel. Lt. Jamie Collins, Lake Charles, stated that he could explain this. ~~On the saltwater boundaries in the state of Louisiana it is~~

~~Highway 82 that runs from Sabine Pass, Texas through Grand Chenier. Everything south of Highway 82 is salt, everything north is fresh, except Calcasieu Lake and Sabine Lake which are included in the saltwater boundary. Within the Calcasieu Lake system the law says that portion of the lake and the ship channel that directly adjoins the lake would be included in the saltwater area. If you get in the ship channel running above the lake that is not in the lake proper itself technically it is not included in the saltwater area. The problem that arises is that Highway 82 coming up from the channel, East and West Pass and Oyster Bayou are included in the saltwater area. That portion above 82 up to the pass and from the pass on up to the washouts technically under law is not included in the saltwater so it is not in the attendance regulation. Chairman Jenkins asked if people could go in there and illegally fish that area because the law is not written as such. Lt. Collins answered no sir not illegally. They have checked a lot of fishermen. Lt. Collins stated that he does not disclaim that there is a lot of nets but the problem is when you look at the law in this situation technically they can fish a portion of the ship channel and technically it is not included in the saltwater restrictions, so the net does not have to be attended. Below 82 where a lot of the nets that Mr. Poe saw is automatically saltwater. Chairman Jenkins commented that it sounds like to him that they need to change the law for the portion where the saltwater fish are that Lt. Collins says does not apply, but still the parts that do apply there is no question about that. Lt. Collins stated that it is a problem on their part and the next problem they have is that the law says if you possess a commercial license, a twenty five dollar gear license, a vessel license for saltwater you can fish any number of nets you want as long as no single net exceeds twelve hundred foot in length. These fishermen that fish out there fish six, seven and eight nets. Calcasieu Lake is twelve to fifteen miles long and the fisherman may have nets out for three or four miles in different places. The man cannot be with all the nets at one time, what do you do stated Lt. Collins. Chairman Jenkins advised that you write him a ticket for unattended nets and asked Colonel Vidrine if he was right. Colonel Vidrine answered correct, yes sir and you only fish the number of net you can attend. Lt. Collins stated he was going to have to be shown this since it says a man can fish legally any number of nets. Chairman Jenkins stated that they can show him this. Lt. Collins explained that they will go out and find a man who will be with net number one who advises that he has four more nets down from him.~~

Package

Chairman Jenkins advised that the man be written up on two, three and four because he is not attending them. Lt. Collins stated if that is what the Commission and department says he will. Chairman Jenkins commented that is what the law says, not what he says. Lt. Collins pointed out that there will be another problem when this goes to the District Attorney in Cameron Parish. Mr. Jones asked about the settlement of this issue. Colonel Vidrine informed Mr. Jones that the fishermen have to be with each net or a citation will be issued except for the freshwater area. Chairman Jenkins stated that this needs to be put in the legislative next year to change it. Colonel Vidrine explained that it is possible to have two or three nets and the fisherman is right there with his nets. Mr. McCall asked what if the nets were two miles apart, number one to number four net. Colonel Vidrine answered that is another unattended net.

Chairman Jenkins asked Mr. Poe if he had anything else he wanted to say. Mr. Poe stated that they did have eyewitnesses to when the mullet boats were catching the red fish and keeping the red fish. Colonel Vidrine added that on the eyewitness, he met with Captain Manuel and Lt. Collins and instructed them to make an appointment with the District Attorney of Cameron Parish. Call the D.A. this afternoon or tonight and try to set up a meeting where they can get all the witnesses together and meet with him and see if there is enough evidence to prosecute the Florida boat. Colonel Vidrine stated that according to what he has been told he thinks there might be enough evidence to prosecute. Mr. McCall asked how many of the Florida boats did the department write up today? Colonel Vidrine stated that he did not know. Chairman Jenkins asked if anyone had anything else to say.

Mr. Mark Hiltzan addressed the Commission and stated that they are really looking at two issue, one is the mullet and two is the nets and the ability to enforce the nets. This is not an isolated situation and Mr. Hiltzan advised that he is getting just as many complaints from New Orleans people. The people that fish in the saltwater areas are getting very frustrated. Mr. Hiltzan commented that with an Enforcement Division that is doing a lot better job, a more concerned Commission, all new kinds of systems in place such as civil fines, better tracking system for violations they should be seeing less of this but are seeing more. It is felt like saltwater fisheries is not getting any attention right now, it needs attention and this is why they are here commented Mr. Hiltzan.

Colonel Vidrine stated that as a point of information, this morning when the agents picked up the nets they took a head count of all the fish that were destroyed which the department will try to recoup through civil penalties.

Mr. Schneider asked if these mullet boats were fishing with a state permit? It was pointed out that all they needed were a vessel

license, out-of-state fishing license and a twenty five dollar net license. Mr. Schneider asked if part of the problem is that they are catching these trout and red fish as a by-catch? Colonel Vidrine answered yes and if there is enough evidence to prosecute the person that was guilty of taking a bunch of red fish a few days ago the penalty is six months in jail and also a five hundred dollar fine. If the judge give the department the fisherman's boat they can take it advised Colonel Vidrine. ed

Mr. Cook commented that in addressing the issue of when to write the tickets for unattended nets it was stated that this is not the way the District Attorney of Cameron wants it done and asked if there was anything the Commission can do to look into why the D.A. would not accept those charges or did not want the tickets to be issued for those particular violations. It was stated that there has been a change down there with a new District Attorney. Mr. Pol advised that they had just help Mr. Glen Alexander and he was sure that he would be receptive.

Mr. Steve Shaddock, Lake Charles, addressed the Commission and advised that he would like to see the nets out of the water and also would like to see a commercial rod and reel fishery. E

Mr. Terry Beck addressed the Commission and advised that in the spring when he was fishing there were dead red fish all over the lake because they had been trapped in gill nets all night long. This Sunday Mr. Beck and a friend were fishing when one of the Florida boats came up and caught fish, giving the red fish to two Louisiana netters and then took off. Mr. Beck was asked if they wanted some red fish and he advised the netters that it was illegal to catch red fish with a net but you could still use a hook. The gill netter from Hackberry had a rod and reel with him and said all of his was caught with a rod and reel. Mr. Beck also wants the nets removed from Calcasieu Lake. C

Mr. Foret stated that he would like to asked Colonel Vidrine some questions. Mr. Foret stated that in Region IX they definitely need more manpower plus their radios are just about all shot and asked if there is anything the Commission could do. Colonel Vidrine stated that he agrees one hundred percent that more manpower and new radios are needed. The coastal areas will probably always be shorthanded and the workload in Region IX is a lot heavier than anywhere in the state commented Colonel Vidrine and advised that some radios have been ordered and they will be going to the coastal parishes. The department has been trying to change to a better radio system for the last five or six years to no avail. Mr. Foret stated that they also need Loran in the enforcement boats as all the shrimp laws are ran by longitude and latitude and it makes it very difficult to write citations.

Mr. McCall asked if there was any possibility if there could be more law enforcement coverage in Calcasieu Lake? Colonel Vidrine

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advised that he instructed Lt. Colonel Clark to send one of the large boat into that area and also Captain Manual will probably be shifting some people around in that area.

A lady from the audience asked if the boats in the area had radios or a dispatcher because the problem is when a person is out on the water and sees these things by the time they get home to report these violations these people have already picked up their nets and gone.

Mr. Cook stated that two years ago the Board of Directors of the Lake Charles Chapter of GCCA bought two VHF radios for the Lake Charles agents and asked what had happened to them. Lt. Collins answered that those radios were in their boats. to do

Lt. Collins addressed the Commission on the issue of the ninety nine nets that were in the water. Lt. Collins stated that if there has been ninety nine nets since August then no one has called them that he knows of or they have not been insistent enough to tell him that there were ninety nine nets. Lt. Collins does not want the Commission and department to believe that they are just sitting over there not doing anything and not responding at all. The agents may not come as quickly as the people would like due to the fact that they have other things. Lt. Collins pointed out that they have been down that channel and have the boating hours to show the hours spent out there. Chairman Jenkins stated that it was time to get on with the meeting and he believes that everybody knows what the problem is which will be addressed.

Acting Secretary A. Kell McInnis III gave the **Acting Secretary's Report** at the Thursday's meeting. Acting Secretary McInnis reported that a number of things have taken place in the last month. Mr. Pol contacted Acting Secretary McInnis and informed him that he was again contacted by Mr. Walter Thoren in Port Sulphur, LA. Mr. Thoren was interested in getting a closed season live bait shrimp permit and had asked the Commission to take a look his particular situation. The department has been in communication by letter and telephone with Mr. Thoren and several people that called on his behalf. Back in August Ms. Van Sickle sent him a letter indicating that it was really mute to try and get him a bait shrimp permit at the time because of the fact that it is only good between the spring and fall season which was a very limited time and the fall season was scheduled to open very shortly. Subsequently, Ms. Van Sickle indicated that when the season closed she would come to the Commission and request a waiver so that Mr. Thoren could continue to trawl. In reviewing this matter Acting Secretary McInnis got with Mr. Don Puckett and reviewed the statute that allows for the bait shrimp permit. A letter was composed back to Mr. Thoren in essence that the permit is only available for the closed season between the spring and fall season. This statute does not give the authority to issue such a permit to Mr. Thoren and on November 15, 1990, with Mr. Puckett's assistance a letter was composed, signed

by Acting Secretary McInnis and sent to Mr. Thoren so that he would understand the situation. Mr. Thoren again has contacted Mr. Pol and it is of the opinion that this is not in the control of the Commission to issue a permit between the fall and spring season, just between the spring and fall. Mr. Thoren was provided with a permit to fill out for the coming year (between spring and fall) and it is hoped that he will do this timely advised Acting Secretary McInnis.

Dr. Jerry Clark attended the Gulf Council meeting dealing with the reef fish issue. The decisions made are still not complete and they will continue to monitor the reef fish program. There is a meeting scheduled in Houston in January where they will get further into the development of the plan which will have a completion or effective date to it. They did address the recreational limits and the commercial quotas at the last meeting which were revamped from the original decision that was made in New Orleans. Acting Secretary McInnis joined Dr. Clark at the meeting and he had a opportunity to meet with a number of the people on the Council and found that they do seem to have a good perspective of the whole Gulf complex.

Acting Secretary McInnis attended a meeting in South Carolina dealing with concerns that the International Association of Fish and Wildlife Agencies have for the "anti" sentiments. There is a sub-committee of directors from California, Florida, Maryland and South Carolina working on a program to get ready for the "anti" hunting sentiment. In the past two years there have been legal challenges to the opening of certain hunting seasons in California and this last year in Maryland. To date these seasons have been successfully defended but at the New Orleans meeting there was a great concern expressed about the situation with migratory birds, not just waterfowl but all other birds that are migratory. The statistical data that has been gathered historically on these species is not nearly as detailed as that on waterfowl and there was a motion made at the New Orleans meeting that will address this and get the U.S. Fish and Wildlife Service working in conjunction with the states and International to gather information on these issues. At the South Carolina meeting Mr. Pete Bontadelli from California got everybody's attention when he displayed what was necessary in California to successfully defend the opening of the seasons. On deer they have sixty three management plans for deer herds that have to be updated every year. Acting Secretary McInnis stated that he hopes this is a long ways off for Louisiana but it is frightening. In California there is a management plan for every mountain lion and every bear. The migratory birds in California were particularly significant this last year. They were only able to open the migratory waterfowl season in California because they did not take Commission action but instead adopted the federal rule. Because of this there was no state violation in California this year for any type of migratory bird. They adopted the federal rule because of fear they did not have enough support of data to

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document that there were sufficient numbers to open this season in California. This is a very serious and growing concern not just in Louisiana but nationwide and everybody left the meeting with a better realization of what could come. A new governor has been appointed in California and Mr. Bontadelli is not certain that he will be in his job after the end of the month and has graciously asked Acting Secretary McInnis to join him and meet with his staff and work through the process that they went through to create the documents so that someone would still be around to know what was done to put it together. One of the things International is working on is a documentation format that can be utilized nationwide and if a state has a problem they will know what has been accepted in the federal court system commented Acting Secretary McInnis.

The Department
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Wednesday before Thanksgiving an attempt was made by two district judges in the northeast part of the state to use restraining orders to close down the either sex-deer hunt schedule on two particular wildlife management areas. Copies of the restraining orders were received mid-afternoon on Wednesday before the Thanksgiving holiday. This did not give the department much time to respond. ~~With Mr. Bateman and his staff's help, Mr. Landrum and people in the Legal Division everybody who could possibly be contacted was~~ but were unable to locate the judges who had issued the restraining orders. The second circuit in Shreveport which is the appellate court system for that district was contacted and the department was able to fax sufficient pleadings that they in turn convened a three judge panel, reviewed the information and Wednesday night they faxed back to the department an order staying the restraining orders and ordering that a hearing take place. To date the hearing has not taken place but the hunts did take place advised Acting Secretary McInnis. The hunts were affected by the publicity in those areas with a reduced participation rate on the areas which resulted in some people being displaced and reduction of animals being taken off of the particular areas. Last evening Mr. Landrum, Mr. Bateman and Acting Secretary McInnis met with the two judges, and the senator and representative from the area who were very concern about the management of the deer herds on those particular areas. Ideas were exchanged, information was obtained and the department will take into consideration their thoughts on the matter and hopefully the department will be in a posture to make some positive suggestions on the management of those areas that will enhance not only the herds but the participation of the hunters. This will not be limited to just those wildlife management areas advised Acting Secretary McInnis and stated how important it is to have the venue statute on the books that requires people to come to Baton Rouge when they are challenging Commission action.

At the request of the Commissioners Acting Secretary McInnis viewed the Spanish Lake Territorial map at Taylor-Clark Gallery. Mr. Richard Condrey had brought this map to the Commission's attention.

The price of the map is \$2,750 and is limited basically to the Mississippi River itself and what the descriptions of the terrain were on either side of the river. It was by military design to figure out a way to get into the Mississippi River with vessels to make some type of attack by coming through the Lake Pontchartrain, Lake Maurepas system through the river and back up into the Mississippi River around Baton Rouge which never took place. There were three hundred maps produced, two hundred in french and one hundred in english. The value of the map comes from its rarity. Acting Secretary McInnis stated that he reviewed the map and asked Ms. Bettsie Baker to also look at it and they could not ascertain any particular benefit to the department to have it other than to own a rare document. The map did not indicate any significant wetlands at the time and really charted the course of the river. If the Commissioners wish to pursue this further, Acting Secretary McInnis advised that he would and stated that he was not that knowledgeable about rare documents and perhaps he missed some of the value of the map.

Concerning The Bell 47 helicopter, from the U.S. Fish and Wildlife Service, documents have been signed off on and the department was scheduled to pick up the helicopter last week. There was some question about the avionics that were taken out of the helicopter and what was suppose to be there and what wasn't. The people in Atlanta ~~was~~ *were* straightening this out and it is hoped that the helicopter will be in Baton Rouge next week at which time it will be checked out. It is expected that the helicopter will be put to use during the second split of the waterfowl season. The parts that come with the helicopter are in Florida and arrangements have been made to bring them back to Louisiana. Mr. McCall asked if the department had someone qualified to fly the helicopter. Acting Secretary McInnis stated that he does not have anyone on staff but has explored the opportunities of using a pilot with State Police and one that is outside the agency who are qualified to fly the helicopter and have expressed the willingness to work with the department on a short-term contract basis which would give the department the chance to advertise for a pilot. The pilot that was qualified in Enforcement is doing duty in Saudi Arabia and has gone full-time with the military. Acting Secretary McInnis stated that the department appreciates Ms. Baker's efforts in helping to obtain the helicopter.

Ms. Baker is involved on a committee that is working on the new radio system for the department. Mr. John Medica and Lt. Colonel Charlie Clark served on a technical committee to work through what the needs of the department were as far as radio contact and systems were concerned. Several years ago the department thought they were going to get involved with the 800 trunking system with State Police. The department was short on money so it could not go forward at that point in time. The department may get outside money to take care of this. There is a deadline of March 15, 1991, for the consulting group to come back with a final recommendation.

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The time frame is such that they can take action during this upcoming session of the legislature to fund that project. Wildlife and Fisheries is not the only department that has experienced a radio communication problem but are the only statewide enforcement group that doesn't have communications that you can talk to your office on or to each other on stated Acting Secretary McInnis. This is not limited to just the Enforcement Division and there are people throughout the department that have problems with their radio system.

There are a number of things going on in the Habitat Conservation Section. A pair of eagles have been located on Spanish Lake which just east of Baton Rouge. The nest is in Iberville Parish right on the East Baton Rouge Parish line. The department was contacted by a number of people about the eagles and the Nature Conservancy assisted the department. Authorization was given by the landowners to post the site. The area happened to be where someone had a duck lease but the people were most cooperative and stayed away from the nesting area. It should be a successful nesting *season* advised Acting Secretary McInnis.

The legislature had asked the department to address the Queen Bess Island situation and it has been working on this. Spoil has been dredged and put around the island to create a base to put the shell on. The Corps of Engineers, Fish and Wildlife Service, Coastal Restoration and the department are working cooperatively in trying to get island in good shape. Part of it was lost in the last storm. Five hundred and fifty thousand dollars will basically be spent in fixing this nesting area for the pelicans. Queen Bess Island has been the most successful nesting area Louisiana has for the brown pelicans and the department certainly wants to keep it intact.

Habitat Conservation has also been involved in a number of smaller programs. Mr. Blue Watson from the department has been very active on the Amite River Flood Mitigation Prevention System Task Force. Acting Secretary McInnis joined Mr. Watson for the final presentation. The Governor has indicated that he will make a final decision very shortly, if not already, on going forward with the project.

The section is also involved in seminars with Civil Engineers at Louisiana Tech on the Wildlife and Fisheries function in the wetland permitting process and attended the seminar at USL last month.

They were also a active participant in Environmental Risk Assessment that is going on through DEQ. The EPA is sponsoring this and Mr. Wade Byrd is also involved in working with this particular group.

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The Scenic Rivers people have been busy. Workshop were held at the Alexandria State Forest so that people could learn more about the program. 15

The department was interviewed by the Assessment Team from the National Coastal Management Groups which are gathering information on all the states coastal management programs. With the anticipated influx of the new Breaux dollars a coordinated effort is needed.

The Scenic Rivers Section is trying to finish up and publish the results of the recently completed scenic rivers survey that they have been working on. They are also working with the Governor's office to help to work out the conflict between Mississippi and Louisiana of the East and West Pearl River. This conflict has been going on for some time and Mississippi recently filed suit in federal court to challenge ownership rights. at the last commission meeting

The policy that Ms. Van Sickle had issued on Commission attendance and contact policy with the Commissioners has been addressed. It is in a draft form and should be out shortly. Based on the discussion most of the employees have a much better understanding of what was intended and it will be given to them in writing. It will probably be two separate issues advised Acting Secretary McInnis. S

A oil spill meeting was scheduled for Monday but will be meeting the following Tuesday. They will review the initial plan that has to be submitted to the legislature prior to the session. Mr. Barney Barrett and Mr. Jim Hanifen from the department are two of the technical people on the group and will be monitoring the oil spill plan. was rescheduled

Acting Secretary McInnis asked Mr. Don Puckett to come up and address the Commission on an issue dealing with Legal Representation that was discussed at the New Orleans meeting in September. Mr. Puckett advised that sometime ago Mr. Pol who was Chairman of the Commission asked him to sit down with himself and Ms. Van Sickle to work out some plan wherein department counsel could represent the department and the Commission in those rare instances where there are a difference of opinion in a law suit. Mr. Puckett advised that he has worked up a resolution and a copy was in each Commissioner's packet. This has been discussed at length with Ms. Van Sickle before she left, with then Chairman Pol, Acting Secretary McInnis and Chairman Jenkins. This came about as a result of the oyster litigation issue. When the oyster litigation came up the department and the Commission had a difference of policy on how to proceed in the law suit. Because of ethical considerations that apply to all lawyers both Mr. Puckett and Mr. Landrum informed the Secretary and Commission that they had to withdraw from representation. At that time representation of the Commission and the department was undertaken

by separate counsel which prompted Mr. Pol to ask Mr. Puckett to investigate and see if there would be any way that this kind of situation could be avoided in the future if for no other reason than the cost involved in employing a private attorney. The resolution that Mr. Puckett has worked up would be agreed to by both the Secretary and the Commission where they would acknowledge there was a difference of opinion on a pending piece of litigation but through a mutual agreement would allow counsel to go forward representing both parties with Mr. Puckett representing the Commission and Mr. Landrum representing the department unless there was mutual agreement otherwise. Basically both attorneys would defend both entities as vigorously as they would otherwise with the understanding that there were differences of opinion. This is necessary in this document form to give some protection to Mr. Landrum and Mr. Puckett because generally speaking if you represent two clients you cannot take a position in litigation that is contrary to their position. Mr. Puckett and Mr. Landrum both feel like ~~that~~ they, with some mutual agreement, information, knowledge and understanding, can proceed on this basis even though it is an extraordinary step for them to take. The rest of the document is self explanatory advised Mr. Puckett and asked if there were any question on the document? bms

Chairman Jenkins asked Mr. Puckett if he needed a motion to adopt the resolution. Mr. Puckett advised that if this is acceptable to the Commission he would ask for a motion from the Commission and the concurrence of the Secretary. Mr. Pol made a motion that the resolution be accepted. The motion was seconded Mr. McCall and passed unanimously. Acting Secretary McInnis went on record saying that he has reviewed the document and it ~~so does~~ appear acceptable to him as well ~~and does accept it.~~ S

(The full text of the resolution is made a part of the record)

LOUISIANA WILDLIFE AND FISHERIES COMMISSION
RESOLUTION

WHEREAS, in the recent past there has been on instance wherein, because of differing policy positions, attorneys in the Legal Section found it necessary to recuse themselves from representing the Commission and the Department, and the Commission and the Department were required to seek independent outside counsel to represent each of them in litigation pending against the Commission and the Department, and

WHEREAS, it is the desire of the Commission and the Department to avoid this situation, where possible, in the future and to have their respective interests represented by attorneys in the Legal Section, and

WHEREAS, the Commission and the Department acknowledge that this is desirable to avoid the cost of retaining private attorneys, and

WHEREAS, the Commission and the Department recognize that their interests are better served through representation by in-house counsel who are familiar with the day-to-day operations of the Department and the Commission, and who have an inherent vested interest in seeking resolutions which are in the best interest of the Commission and the Department which is greater than that which could be expected from a retained private counsel, and

WHEREAS, the Chairman of this Commission and the Secretary of the Department have requested the General Counsel to explore a method by which attorneys in the Legal Section can represent both the Commission and the Department, and

WHEREAS, the General Counsel has presented the Commission and the Department with a proposed agreement which would, at least in some instances, accomplish this purpose.

THEREFORE, BE IT RESOLVED that the Commission does hereby adopt the following agreement with the concurrence of the Department as indicated below.

1. This policy shall apply to all matters of litigation wherein both the Commission and the Department are parties to said litigation.
2. In all such litigation, the Commission and the Department shall endeavor to eliminate any conflict of positions and to adopt a common position which can be represented by a single attorney.
3. In those instances where this is not possible, the Commission shall be represented by the General Counsel and the Department shall be represented by the Senior Attorney; provided, however, that a reversal of this representation can occur if it is deemed by both parties to be in their respective best interests, and both parties approve.
4. It is further acknowledged and understood that if the attorneys undertake the representation of the Commission and the Department respectively that they are bound to and will assert the position(s) of their client in that litigation to the best of their ability and in accordance with the Rules of Professional Conduct for Attorneys even though that

position is contrary to the position of the other party.

5. It is expressly agreed and understood that the representation by the attorneys in the Legal Section in accordance with the above arrangement and their efforts therein, shall not be used as the basis for any retaliation or disciplinary action by the Commission, the Department, or any of their members or staff.
6. It is expressly agreed and understood that in such an arrangement, the attorneys are ethically bound to maintain confidentiality of files and to avoid the use of common clerical personnel, and that in such situations, a means of separate confidential filing systems shall be provided as well as access to and use of individual clerical personnel.
7. It is further understood and agreed that the attorneys are bound by Rule 1.7 of the Rules of Professional Conduct and other rules to maintain loyalty to their respective clients, and to avoid conflicts of interest. In this regard it is acknowledged that it is the responsibility of each individual attorney to recuse himself if he believes that his representation will adversely affect his relationship with the other client.
8. It is, therefore, agreed and understood that each attorney shall retain the right to make the final decision as to whether representation in accordance with this arrangement is permissible even in those cases where the Commission and the Department have otherwise agreed to this arrangement.
9. In each such instance where the above arrangement is agreed to, a document shall be prepared setting out as specifically as possible the respective positions of the Commission and the Department and the attorney designated to represent each of them. This document shall be approved by formal resolution of the Commission and by the signature of the Secretary before representation takes place.
10. It is further agreed and acknowledged that in any instance wherein one or both attorneys have recused himself from representation of the Commission or the Department for ethical reasons, the Commission and/or Department, as the case may be, will seek representation from the Office of the Attorney General or from a private contract attorney.

11. In no instance will the Commission or the Department seek representation by attorneys in the Legal Section when the litigation involves claims asserted by the Department directly against the Commission or by the Commission directly against the Department, or in cases where there exists a dispute between the Commission and the Department relating to division of regulatory or administrative powers between themselves and/or the right to exercise any such powers.
12. This resolution may be modified by a formal resolution of this Commission with the concurrence of the Secretary of the Department
13. This agreement may be terminated upon thirty (30) days written notice by the Commission or the Secretary of the Department to the other party.

Baton Rouge, Louisiana ____ day of _____, 1990.

APPROVED:

JIMMY JENKINS, CHAIRMAN
LOUISIANA WILDLIFE AND
FISHERIES COMMISSION

APPROVED:

A. KELL MCINNIS III
ACTING SECRETARY
LOUISIANA DEPARTMENT OF
WILDLIFE AND FISHERIES

The January 1991 and February 1991 Meeting Dates were set at the Friday's meeting. The January meeting was set for January 10-11, 1991 in Baton Rouge at the Wildlife and Fisheries Building. The February meeting was set for February 7-8, 1991 in Baton Rouge at the Wildlife and Fisheries Building.

Chairman Jenkins called for **Other Business or Public Comments**. Mr. Dean Blanchard, Grand Isle, addressed the Commission. Mr. Blanchard stated that last year he went to a meeting in New Orleans which was Commissioners Dale Vinet's last meeting, and a resolution was adopted to leave open from Belle Pass to east of the state the three mile line for the shrimpers. The shrimpers had the best brown season that they have ever had commented Mr. Blanchard and asked why it was closing this year? Mr. Phil Bowman was asked to address the question. Mr. Bowman explained that this year the department went through a rather intense process in the formulation of its recommendation to the Commission for the closing of offshore waters for shrimping. This was presented to two particular groups of the Shrimp Task Force to get their input as to what their considerations and concerns may be relative to perspective dates. There was a sub-committee of the task force that was made up totally of fishermen who brought a recommendation to the full task force for their consideration. Both of these particular groups suggested and recommended that the season in the offshore water areas of the state be closed at the same time as the inshore areas. While there were some slight differences in dates they pretty much ended up in December for all areas of the coast. In addition a staff meeting was held with district biologists from across the state to get their input as well and it was the staff's recommendation that again when the season closed in the inshore waters that it be closed in the state's territorial sea, the rationale being if the shrimp right next to the island or in the passes were to small to harvest then with any type of tidal action or wind action those shrimp would end up on the beach and thus in the near offshore waters. It was felt that it would be in the best interest to close the territorial waters at the same time that the inshore waters were closed. Just recently Mr. Bowman had the opportunity to visit with a number of the district biologists in the central part of the coast and posed the question to them that with the additional month of data that they were able to look at would they still have the same recommendations that they did approximately a month ago to six weeks earlier? Their unanimous suggestion was yes advised Mr. Bowman. The reason that the department recommended to the Commission that the season be closed in the territorial waters on the dates that the Commission ultimately passed was that it was the department's opinion that there would be small white shrimp in those areas during those times or that possibility existed. Mr. Bowman advised Chairman Jenkins that the department's recommendation still stands and still feels that the Commission took the appropriate action as does the entire staff.

Mr. Blanchard stated that he does not agree with this, the department does not have any data to prove that the shrimp would be small and his records from last year show that the shrimp got bigger from January on. The smallest shrimp being caught were a 40/50 count and nothing close to the 80/100 count which was stated. It is not going to hurt that much closing it for the winter, but

what is going to hurt is that the shrimpers will not be able to get the department/Commission to open the season up in time and will miss two or three weeks of good shrimping which they cannot afford stated Mr. Blanchard.

Mr. Blanchard stated that another thing he would like to address is what Mr. Jones was saying about putting the shrimp dealers in jail. Mr. Jones stated no he did not say that, he said that it seemed like there was a conflict here of the way things were being done and knows that if you are in violation of the law you are not permitted a grace period in other processes, similar to the IRS, they mail you stuff and you have to abide by the law. Mr. Jones stated that his point is that he is suppose to know the law when he buys his hunting license and he presumes that Mr. Blanchard as a dealer is suppose to know the law as a dealer and he asked Mr. Blanchard if that was correct. Mr. Blanchard answered that we try. Mr. Jones stated answer yes or no. Mr. Blanchard answered we try to but we don't have time to come up here.....Mr. Jones asked if ignorance of the law was an excuse? Mr. Blanchard answered no it is not an excuse and he deals with the federal and sends them all the stuff. The problem is the Wildlife and Fisheries are not sending the stuff that they need. Mr. Jones stated that if that is the problem he will see that the problem is resolved but his point was ~~this~~, it seems like there was a little bit of difference in the way violations were going to be handled and if you are wrong by the law in one situation you are written a citation but if you are wrong by the law in another situation you are permitted a grace period. Mr. Jones feels like this is an injustice to the law of saying what is right and what is wrong and whether or not a citation should be issued. Mr. Blanchard advised that if he would not have come here today he would have never know about this and he is the President of two companies, one in Belle Pass and one in Grand Isle and he handles twenty million dollars a year. Mrs. Blanchard at this time during the meeting advised that they have never received any papers from the department pertaining to this and she checks the mail every day. Mr. Jones stated that we are at a pretty big place that probably has the records and we can find out, and if we are in fault we need to be at fault that is the reason that we are doing what we are doing and that is the reason I understand. Mr. Blanchard stated that everybody says the fisherman is an outlaw. Mr. Jones stated that nobody is suspecting.....Mr. Blanchard stated that the fishermen are you number one conservationists and he is thirty years old and plans on being in this business another thirty years and he wants the shrimp and fish to still be there in thirty years. Mr. Blanchard advised that he was born and raised on the water and he has not had one wildlife and fisheries violation in his life and he wants to cooperate with the department. Mr. Jones stated that he appreciates this but did Mr. Blanchard understand what he was saying because he did not want any misrepresentation of.....Mr. Blanchard commented that if they come and tell us what they want, you know we will gladly help. Mr. Jones asked Mr. Blanchard if he

understood what he was saying and wanted him to feel very comfortable in that which he was addressing. Mr. Blanchard answered yes and asked Mr. Jones if he understood where he was coming from. They are not getting the stuff to send back and if they would send it to him he would fill it out and send it. Mr. Jones stated that Mr. Blanchard accused him of saying that he wanted to put all the shrimp processors in jail which was incorrect and he was trying to get clarification of the law of a violation whether a citation would be written and he wanted Mr. Blanchard to acknowledge this because he did not want to be misrepresented down in the bayou. Mr. Blanchard stated that he understood Mr. Jones' point and everybody should send the forms back if they get them. Mr. Jones stated that it is the law and thanked Mr. Blanchard.

Chairman Jenkins asked if there were any other public comments. Mr. Foret advised Mr. Blanchard that if he has problem with his mail, etc. from the Wildlife and Fisheries he would be glad to hand deliver it to his place if he would rather have it that way then having it lost through the mail. Mr. Blanchard answered that they are not having problems losing it through the mail, they are just not putting it in.

There being no other business from the Commissioners and the public Chairman Jenkins called for a motion for adjournment. Mr. Pol made a motion that the December 1990 Commission meeting be adjourned. The motion was seconded by Mr. Vujnovich and passed unanimously. Chairman Jenkins announced that there would be no meeting tomorrow as the agenda was finished today.

A. Kell McInnis III
Acting Secretary

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